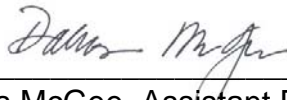


# West O Street Redevelopment Plan

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# Introduction

The *West O Street Redevelopment Plan* is a guide for redevelopment activities within the Redevelopment Area. Exhibit 1, on the following page, illustrates the location of the area within the broader context of the City of Lincoln. The boundaries are generally West P Street on the north, the first set of railroad tracks south of West O Street to the south, 9<sup>th</sup> Street on the east and NW/SW 70<sup>th</sup> Street on the west. Located in west-central Lincoln, the West O Street corridor is an entryway that introduces both visitors and residents to Lincoln. The area consists primarily of commercial and industrial uses as well as a sizeable amount of undeveloped land. A small amount of residential is located to the north along P street, consisting primarily of mobile home courts. The Redevelopment Area contains approximately 1,361 acres.

Entryway corridors are a community's "front door." It is acknowledged that the corridor's landscaping, commercial signage and building character provides the first, and oftentimes, the most lasting impression of the entire community. Yet the West O corridor does not necessarily provide the most desirable lasting impression. The west end of the corridor is characterized by predominately vacant land with sporadic industrial development. Although these land uses are appropriate for the area, the lack of continuity and unity give the corridor no sense of place; that is, this front door to Lincoln is vague and ill-defined.

Functional and economic obsolescence is prevalent in the properties throughout the center portion of the Redevelopment Area. The original 1920 to 1950 commercial and industrial buildings have slowly been replaced with new construction; however, several smaller scale brick and masonry buildings remaining have been allowed to deteriorate to the point of being dilapidated. At best, these structures allow for limited commercial use. In addition, a vacant car lot and a large automotive salvage yard do not represent the most positive characteristics of a redeveloping commercial corridor.

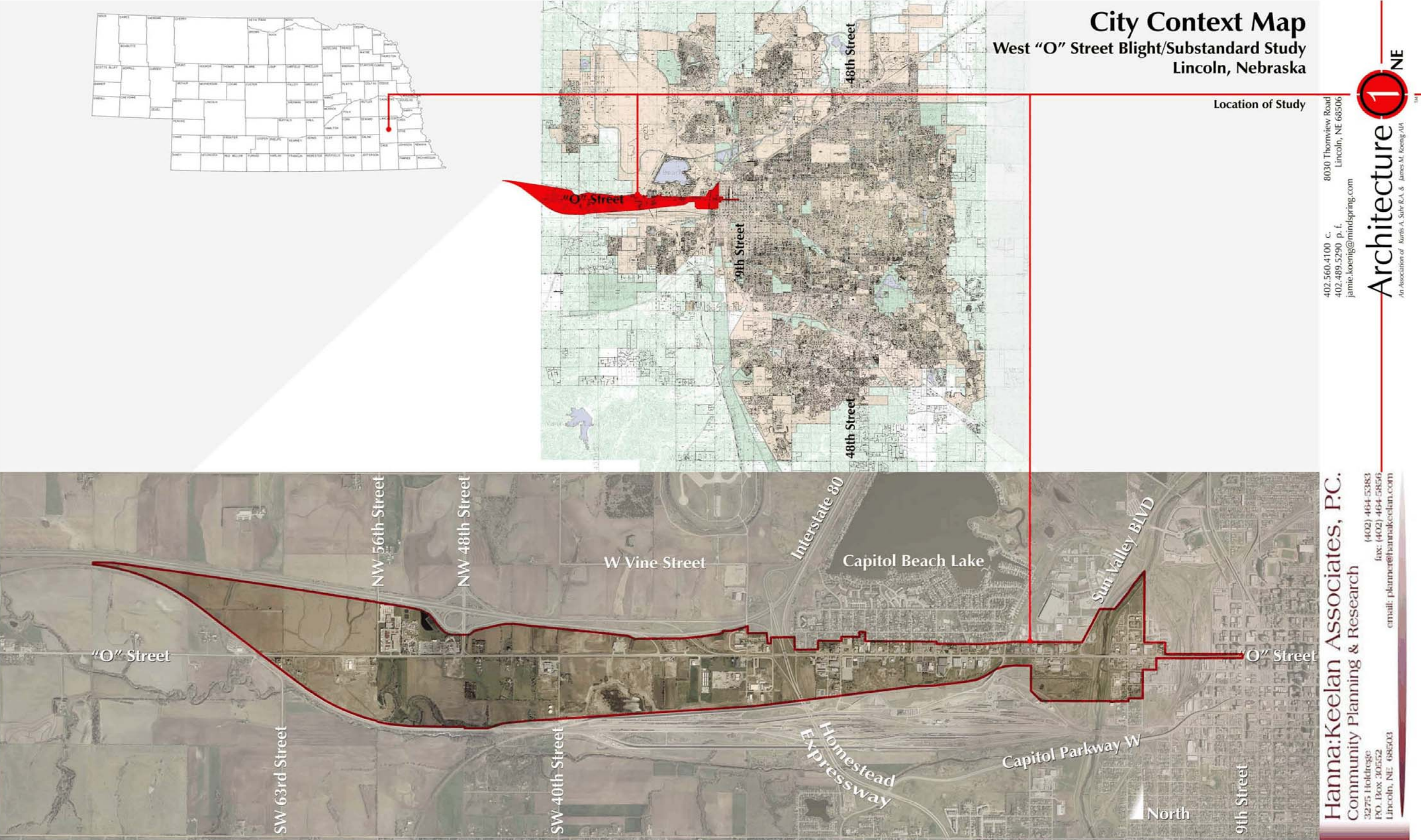
Incompatible and mixed land uses exist in high concentrations in the eastern portion of the Redevelopment Area, east of Capitol Beach Boulevard and especially east of Salt Creek, close to 1<sup>st</sup> Street. A mobile home park, single family dwellings and the People's City Mission are located adjacent to automotive salvage yards, body shops, used car dealers and a cement ready-mix plant. Land use conflicts occur within the area which is lacking proper separation and buffering.

As a result of these conditions, the City of Lincoln commissioned a *Blight and Substandard Determination Study*. The Study, completed in June, 2005 concluded that the number, degree and distribution of blighting factors warrant designating the area blighted and substandard.

The City recognizes that continuing blight and deterioration is a threat to the stability and vitality of the West O Street area and that revitalization efforts cannot reasonably occur without public action. The *West O Street Redevelopment Plan* represents the City's efforts to guide public and private redevelopment of the area.



Exhibit 1: Redevelopment Area





## Plan Requirements

Redevelopment activities are guided by *Community Development Law*, Neb. Rev. Stat., Section 18-2101, et. seq. (as amended). The statutes clearly state that the governing body must have declared the project area substandard and blighted in order to prepare a redevelopment plan.

The city has authorized its Urban Development Department to act as a redevelopment authority under the applicable Law.

The Urban Development Department has formulated, for the City of Lincoln, a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas including, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by re-planning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof.

The Community Development Law Section 18.2111 defines the minimum requirements of a redevelopment plan as follows:

“A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area...”

The statutes further identify six elements that, at a minimum, must be included in the redevelopment plan, they are:

1. The boundaries of the redevelopment project area with a map showing the existing uses and condition of the real property within the boundaries;
2. A land-use plan showing proposed uses of the area;
3. Information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment;
4. A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances;
5. A site plan of the area;
6. A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment.

In making its recommendation to approve this plan, the Urban Development Department has considered the land uses and building requirements and determined that they:

1. are in conformance with the general plan for redevelopment in the City and,
2. represent a coordinated, adjusted, and harmonious development of the city and its environs. These determinations are in accordance with:
  - a) present and future needs, to promote health, safety, morals, order, convenience, prosperity;
  - b) the general welfare; and
  - c) efficiency and economy in the process of development.

Factors considered in the determination included among other things:

1. adequate provision for traffic, vehicular parking;
2. the promotion of safety from fire, panic, and other dangers;
3. adequate provision for light and air;
4. the promotion of the healthful and convenient distribution of population;
5. the provision of adequate transportation, water, sewerage, and other public utilities;
6. schools, parks, recreational and community facilities, and other public requirements;
7. the promotion of sound design and arrangement;
8. the wise and efficient expenditure of public funds; and
9. the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

This plan was reviewed by the Lincoln/Lancaster County Planning Commission for compliance with the Comprehensive Plan and copies of the related staff report and Commission action accompany this Plan.

# Existing Conditions

## Land Use

The West O Redevelopment Area is a linear block of land located in west-central Lincoln. The area extends from West P Street on the north to the first set of railroad tracks south of West O Street to the south, 9th Street to the east, to NW 70<sup>th</sup> Street to the west. The western end of the Redevelopment Area between SW 40<sup>th</sup> and SW 70<sup>th</sup> Streets is largely undeveloped land. The eastern end of the Redevelopment Area is predominately commercial, business, with some industrial uses. The Harris Overpass, which is currently under design, links the West O Street area to downtown Lincoln. The commercial activity begins at 2<sup>nd</sup> Street and continues west. Exhibit 2, on the following page, illustrates current land use patterns.

The study area consists of 1,361.3 total acres. Approximately 14.7 percent of the land use in the area is Streets/Highways and railroad right-of-way. Commercial use is approximately 9.5 percent of the total area and residential area comprises 2.5 percent of the total area. Total land developed is 39.5 percent and vacant land consists of 823 acres or 60.5 percent.

Current land uses in the Redevelopment Area consists predominately of commercial uses along the West O Street corridor. There is some residentially zoned land along West “P” Street; however, the majority of the area includes retail, light industrial, auto sales and service businesses and undeveloped land. The Burlington Northern roundhouse is located just to the south of the Redevelopment Area at RoundHouse Road.

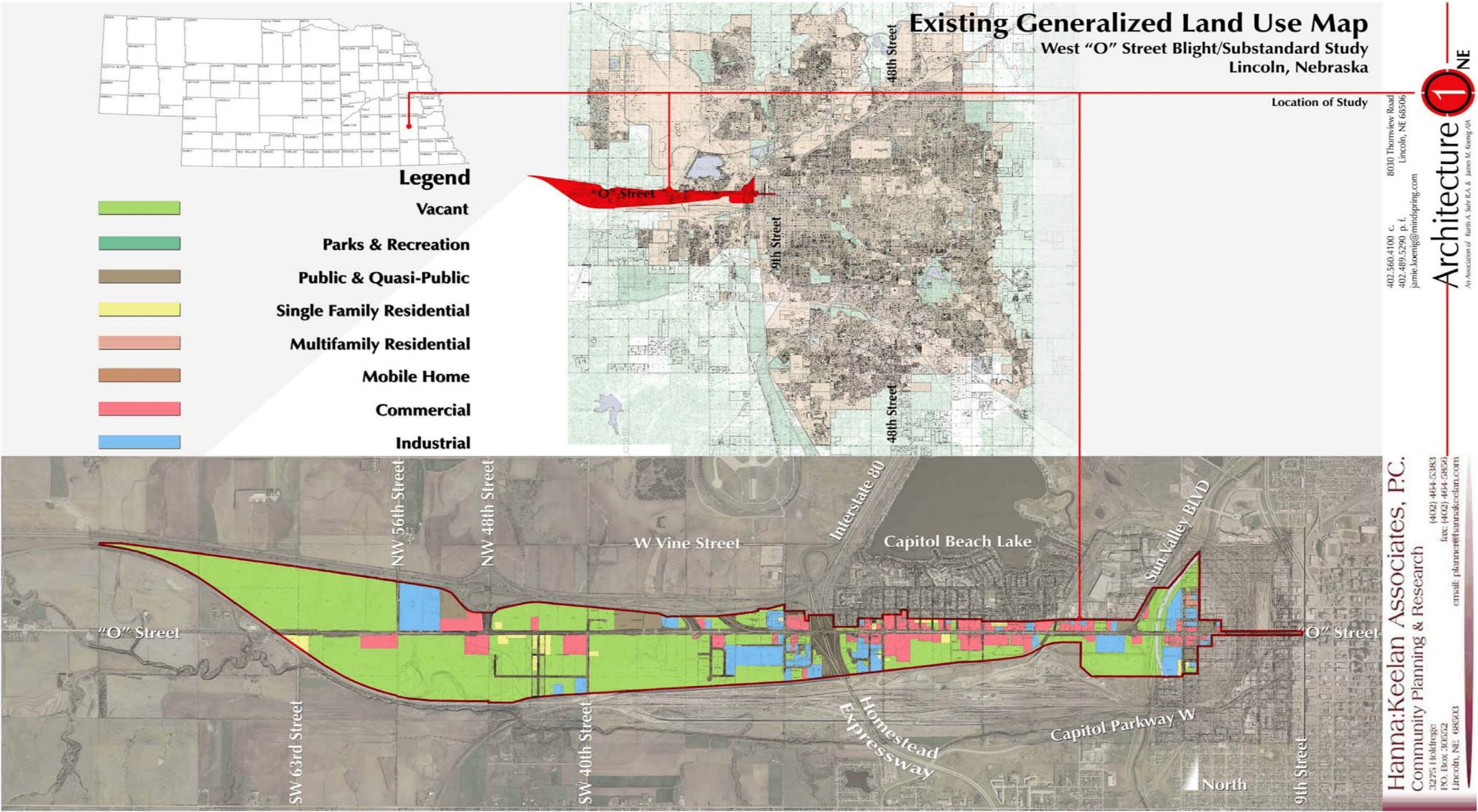
The entire West O corridor is located within a Capitol View Corridor. The purpose of the Capitol View Corridor is, “...to protect and promote the positive physical character through special design requirements that protect the environs and views of the State Capitol Building – our community’s signature urban design asset...”. (*Lincoln-Lancaster County Comprehensive Plan*, adopted May 28, 2002, page F19)

An analysis of the subdivision conditions conducted during the *Blight and Substandard Determination Study for the Redevelopment Area* indicates that improper subdivision and obsolete platting is prevalent throughout. Specifically, several areas were identified, such as the western portion of the area, generally west of Highway 77, contains “a substantial amount of individual parcels that are Irregular Tracts, described by a meets and bounds survey.” The Study goes on to explain that the Irregular Tracts range in size from 11 - 40+ areas. The large tracts of land have been detrimental to commercial development along west O Street, an example given is between SW 20<sup>th</sup> and Sun Valley Boulevard. In many cases, the original tract was not subdivided, leaving the vacant portion of the lot to deteriorate.

Efforts to overcome problems of inadequate subdivision and obsolete platting requires the purchase of adjacent parcels. However, this is complicated due to the irregular shapes and varying sizes of adjacent parcels, not to mention the negotiation with, in some instances, several land owners. This redevelopment plan will give the City and developers the opportunity to handle the situation more holistically rather than parcel-by-parcel. Such public-private partnerships will be necessary to overcome the obstacles mentioned above.



Exhibit 2: Existing Generalized Land Use





The *Blight and Substandard Study* reviewed building uses, property ownership and subdivision records. Also conducted were condition surveys and field surveys in determining lot layout, adequacy and accessibility or usefulness of land within the West O Redevelopment Area. Inadequate lot size was identified as a concern, because the lots created by subdivisions in the past were generally too large, according to today's standards. Many of the individual parcels were subdivided by meets and bounds description (Irregular Tracts), rather than by a typical subdivision plat.

More than half of the plotted and subdivided property in the Redevelopment Area is unimproved land that has been within the City limits for forty years and has remained unimproved during that time. The conclusion presented in the *West O street Blight and Substandard Study* is that problems relating to faulty lot layout are present to a strong extent.

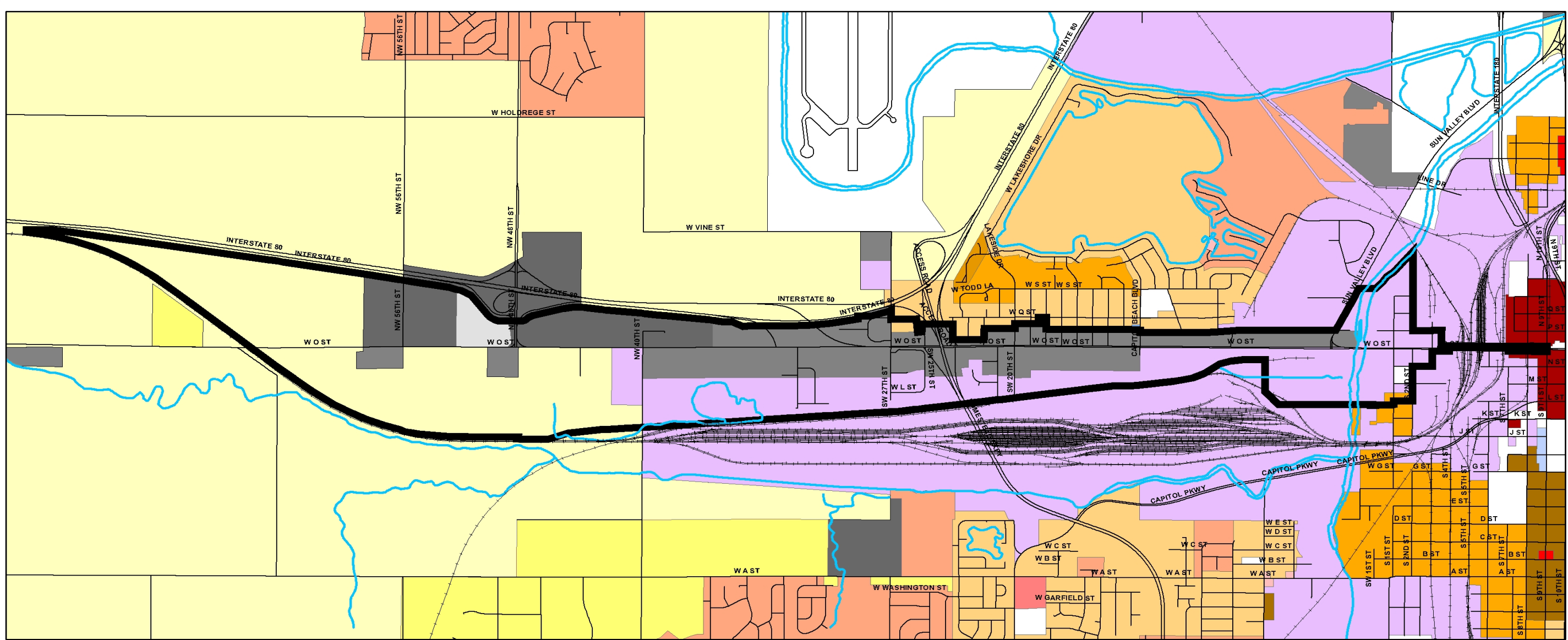
The blight and substandard study also describes the incompatible and mixed land uses in the eastern portion of the Redevelopment Area. For example, a mobile home park single family dwellings and the People's City Mission are adjacent to an automobile salvage yard, body shops, a cement ready-mix plant and used car dealers.

Two examples of functionally and economically obsolescent businesses to an evolving commercial corridor are the former Lincoln Steel, located on the south side of West O Street at Sun Valley Boulevard that has been abandoned for two years, and the automobile salvage yard (mentioned above) at north of West O Street and west of 1<sup>st</sup> Street.

## Zoning

The existing zoning districts within the Redevelopment Area are primarily comprised of commercial and industrial zoned districts (see Exhibit 3, next page). North of the Redevelopment Area are residentially zoned areas and to the south is the Burlington/Sante Fe railroad yards (I-1) and agricultural uses.

- **H-1 Interstate Commercial District** - usually located near the interstate highway, intended to serve highway travelers where hotels, service stations, garages, and restaurants should be located. This zoning district can be located in the western-most section of the Redevelopment Area
- **H-3 Highway Commercial District** - represents low-density commercial uses that require high visibility and/or access from major highways. The uses permitted generally include those of the neighborhood and highway business areas. This zoning district is distributed throughout the Redevelopment Area.
- **I-1 Industrial District** - represents light and heavy industrial uses and has a relatively high intensity of use and land coverage.



# Zoning

### Legend

**West O Redevelopment Area**

**Legend:**

- Streams
- Railroad
- West O Redevelopment Area**

**ZONE**

AG	B-4	I-1	P	R-6
AGR	B-5	I-2	R-1	R-7
B-1	H-1	I-3	R-2	R-8
B-2	H-2	O-1	R-3	R-T
B-3	H-3	O-2	R-4	
	H-4	O-3	R-5	



- ***R-5 Residential District*** - provides moderate residential density of between six and ten dwelling units per acre. This district provides for single-family, two-family, and multiple and townhouse residential uses, plus support facilities, such as schools, parks, community buildings, and churches. One small area in the Redevelopment Area just west of Homestead Expressway is zoned R-5.
- ***Public Use District*** - provides a district essentially for mapping purposes which will identify real property of one acre or more presently owned and used by any governmental entity, including local, state, or federal governmental units and put to some form of public use. One small area south of O Street at S. 1<sup>st</sup> Street is zoned P.

## Public Facilities

### Parks and Open Spaces

Lakeview Park is located within the Redevelopment Area at NW 20<sup>th</sup> & W. Q Streets. Lakeview is classified as a neighborhood park, but lacks improvements characteristic of a neighborhood park. Although it provides services to the surrounding neighborhood, improvements are needed including a shelter, playground equipment, play court, a drinking fountain and walkway connectors.

There is abundant open space north of the Redevelopment Area that offers exercise and recreational activities at various levels. Just north of the Redevelopment Area is Oak Lake Park located at Sun Valley Boulevard and Charleston Streets. The park offers fishing, several picnic areas and playground equipment. Directly south of Oak Lake Park is the BMX Track, which is City land leased to a private organization. BMX enthusiasts use the track for both formal/competitive racing as well as practice and leisure riding. Oak Creek Dog Run is located at 1<sup>st</sup> and Cornhusker Streets and offers dog owners several acres of open space to run and walk their pets. Hobby Town leases city land just south of the Oak Creek Dog Run that offers miniature car racers a track to pursue their hobby.

## Transportation

### ***Traffic Circulation***

The Redevelopment Area is bounded on the south by the Burlington Northern Santa Fe Railroad. On the north, the boundary generally follows P Street, beginning at North 3rd Street and continuing west. It intersects Interstate 80, a short distance west of the Highway 77 interchange, then continues along the Interstate 80 corridor to approximately NW/SW 70th Street. The primary roadways bisecting this area include NW 48th Street, Highway 77 ( Homestead Expressway ) and Sun Valley Boulevard. O Street, functioning as US-34, runs the entire length of the study area. The current design of O Street includes 2 travel lanes in each direction with a common left turn lane for a majority of the

study area. Exceptions to this are the major intersections which are designed with raised medians.

NW 48th Street intersects the study area with its south terminus point being West O Street, while its north terminus point is Highway 34. NW 48th Street is the single primary roadway serving both residential and business needs in the Air Park area. However, potential future commercial and residential growth in this area will result in a significant increase in traffic volumes, thus confirming NW 48th as a vital link in the transportation network. This corridor was under study in an effort to identify the improvements necessary to accommodate the proposed land uses and associated increase in vehicular volumes.

Highway 77 (Homestead Expressway) is located near the center of the study area, providing direct access via an interchange to O Street as well as Interstate 80. This roadway, currently classified as an expressway, is located along the west side of city. It allows motorists with destinations other than Lincoln the opportunity to bypass local arterial streets, accessing either Interstate 80 on the north or Highway 77 and Highway 2 on the south. An interchange is currently under construction at the intersection of Capitol Parkway West and Homestead Expressway, with completion tentatively scheduled for 2006.

Sun Valley Boulevard intersects West O Street towards the eastern end of the study area and continues north to its ultimate intersection with 11th Street and Cornhusker Highway. Since Sun Valley Boulevard provides motorists traversing West O Street with a direct connection to Cornhusker Highway, it is considered a vital link in not only the transportation network but is also vital to the success of businesses in the area. Future improvements will result in the widening and re-alignment of Sun Valley Boulevard which will accommodate future traffic volumes and promote development along this corridor.

West O Street (or Highway 34) functions as the primary east-west thoroughfare through this area with Average Daily Traffic (ADT) volumes ranging from approximately 10,400 on the west end to approximately 25,000 on the east end. Primary north-south routes include NW 48th Street (ADT of 8,100), Highway 77 (ADT of 23,600 north of West O and 15,800 south), and Sun Valley Boulevard (ADT of 14,400). Nearly all of the regional traffic entering the Redevelopment Area will need to use one of these facilities. Most streets south of West O Street are either dead end or looped streets, which promote poor development and accessibility.

### ***Access Issues***

Numerous driveways on an arterial degrades traffic flow and results in a major issue because it creates conflict points in traffic flow. Whenever vehicles enter or exit traffic flow, it impedes the flow of traffic and creates safety hazards. Vehicles entering and exiting driveways on arterial streets impede traffic flow which generally results in a



higher number of crashes. Therefore, a goal of the Redevelopment Plan should be overall reduction of driveways in the area.

### ***Parking***

On-street parking is provided in the residential and industrial areas within the Redevelopment Area. Data from *The Blight and Substandard Determination Study* indicates that the existing parking conditions are inadequate throughout the Redevelopment Area. Mobile home parks accounted for the majority of parcels with substandard surfaces and commercial and industrial uses accounted for 23 parcels with graveled parking lots. A number of the larger parking lots that are associated with vacant properties contain cracks and settlement that require repair.

### ***Transportation/Land Use Relationship***

The concept of accommodating urban growth while maintaining transportation system efficiency and preserving transportation resources for maximum effectiveness needs to be encouraged. A land use and transportation relationship will need to be developed in Redevelopment Areas which allow for greater user accessibility and greater internal connectivity. This concept is to promote a compact mix of land uses within a single development area that are complementary like retail, entertainment and employment together with housing. The close proximity of complementary mixed land uses combined with an appropriate transportation design will promote the use of alternative modes of travel which reduces off-site travel needs, and results in reducing vehicle trips and vehicle miles traveled. The integration of land use and transportation within the planning process is essential for compact development, mix of uses, pedestrian and transit orientation, and internal traffic circulation. This process can improve overall transportation system efficiency by providing opportunities for multi-modal travel and congestion relief.

### ***Harris Overpass***

In 2003, the condition of the superstructure and substructure of the Harris Overpass were rated values of 4, which is considered to be poor condition and structurally deficient. The Harris Overpass currently has a sufficiency rating of 49.3, which places it in the category of deficient bridges. The bridge is 50 years old and has been exposed to de-icing salts for the same number of years, resulting in significant deterioration and distress to the shell and concrete structural elements. The bridge no longer expands and contracts as it should and needs to be replaced soon to avoid load restrictions or closure. Design is currently underway with construction expected to begin in 2007, as funding is available.

### ***Sidewalks and Pedestrian Activity***

Close to 69% of the Redevelopment Area (220 parcels) lacks sidewalks. These areas include several single family homes, three mobile home parks and the majority of industrial uses south of West O Street.

Sidewalk is complete along the north and south sides of West O Street, from Sun Valley Boulevard to NW and SW 22nd Street. This sidewalk was completed by property owners and the City through a Sidewalk District after some West O Street improvements were completed. This work occurred in 1997 and 1998 and the sidewalk is still in fair condition.

The Public Works and Utilities Department included construction of the sidewalk between NW 22nd and NW 27th on the north and south sides of O Street with a resolution approved by the City Council in 2002. However, this sidewalk has not been completed as a result of opposition by the West O Business Association. This work would have included crosswalks and pedestrian signals at the intersection of West O and the West Bypass on and off ramps. There are trails worn in the grass in this area indicating pedestrian activity. The completion of sidewalk through this segment is still recommended due to the motels and other pedestrian activity in the area.

In addition, along West P Street, sidewalk is not complete from near North Bell Street to Capitol Beach Boulevard. The sidewalk is complete along the north and south sides from N. Bell Street to Sun Valley Boulevard. It is recommended that this sidewalk be completed; however, until road improvements are completed, there is not an appropriate space in the right-of-way to complete this sidewalk.

Currently the rural cross section of West O Street from SW 27th to SW 70th Street does not provide an appropriate location for sidewalks. The Public Works and Utilities Department will include consideration for completion of sidewalk in this area as road improvements are designed. In addition, the Parks and Recreation Department has identified a future bike path along the north side of West O from SW 40th Street to NW 56th Street. As off site improvements are identified for the projects along West O Street, it is critical to include sidewalk construction with these improvements.

Pedestrian flow may be interrupted along the redevelopment corridor with high traffic volumes traveling at excessive speeds. Throughout most of the Redevelopment Area, West O Street has five lane of traffic moving at any given time. Pedestrians move safely east to west along the corridor, but those crossing West O find few signalized crossings.

### ***Public Transportation Services***

Transportation Service in the Redevelopment Area consists of one StarTran bus route - #12 Arnold Heights. This route operates along West O and West P Streets from downtown and along NW 48th Street north to the Arnold Heights and Olympic Heights residential areas. The route also serves the West Gate Industrial Park, Lincoln Air Park, West Gate Shopping and Lancaster County Corrections.

### ***Hiker/Biker Trails***

- *West Lincoln/Capital Beach Trail*  
*The Lincoln Area Current and Future Trails Network* identifies the need for a trail to connect the downtown area with the West Lincoln area. A future trail has been

identified to be located along the north side of West O Street from 9th Street west to Sun Valley Boulevard. At Sun Valley Boulevard, the trail will go north to P Street at which point the trail proceeds west along P Street to Capitol Beach Boulevard. At that point, the trail will proceed north to W Street where the trail will end.

- *Salt Creek Levee Trail*

The trail along West O Street will also connect to the Salt Creek Levee Trail that is located on the east side of Salt Creek, east of Sun Valley Boulevard. This connection provides an important link with south Lincoln and the Jamaica North Trail on the south and Haymarket Park on the north.

- *SW 40th/SW 56th Street Trail*

An additional trail is identified along SW 40th street, coming from West A Street to West O Street. From this intersection, the trail will proceed west to SW 56th Street where it will go north to Holdrege Street. This trail will provide a connection with the SW Lincoln area and the NW Lincoln area. There have been discussions to possibly construct a pedestrian/trail overpass over Interstate 80 at approximately SW 40th, however those discussions are very preliminary.

## **Utilities**

The basic infrastructure is in place within the Redevelopment Area; however, as a result of age and continued development in the area, it is facing increasing demands. Utilities are in need of maintenance and, in some cases, replacement. A detailed analysis should be conducted to identify specific needs and projects, particularly on a case by case basis as redevelopment projects occur.

The West O Street Redevelopment Area is served by the following utilities:

- Sanitary Sewer System (underground)
- Storm Sewer System (underground)
- Water Lines (underground)
- Gas Lines (underground)
- Electrical Conduits (overhead and underground)
- Telephone conduits (overhead and underground)
- Cable Conduits (overhead and underground)

## **Water System**

The area west of NW 25th Street is served by the Belmont Pressure District; east of NW 25th Street is served by the Low Duty System. The Belmont Pressure District recently was improved with the addition of the Pioneers Pump Station, which provides a redundant pump station for that pressure district, and an improvement in operating pressures for that area west of NW 25<sup>th</sup> Street. The Air Park and the NW 12<sup>th</sup> Street Reservoirs provide floating storage for this pressure district.

The existing 16" main in "O" Street goes as far west as NW 56<sup>th</sup> Street. Connections are made to the south with 16" mains at SW 40<sup>th</sup> Street and to the north at NW 48<sup>th</sup> Street.

### ***Sanitary Sewer System***

Overall, the condition of the sanitary sewer system within the Redevelopment Area is satisfactory. The sewer mains west of Highway 77 are approaching 80 years of age. The following data describes systems in different sections of the corridor. Additional lines will be needed for growth and development west of NW 40<sup>th</sup> Street.

- ***Sun Valley Boulevard & O Street***  
12" sanitary main crossing O Street east of Sun Valley Boulevard, along Salt Creek. This will be replaced with a larger sized main in the near future. It is part of the West O Street design for future growth that will be served by the West O trunk sewer to be installed in phases beginning later this year (2005).
- ***Capital Beach Boulevard to east entrance of BNSF Hobson Yards***  
South side of O street 8" sanitary main was installed in late 80's and is good condition with no need for repair work on main or manholes.
- ***Southwest 14<sup>th</sup> to Southwest 16<sup>th</sup> Street***  
South side of O Street 8" sanitary main, in fair to good condition with some minor repair work needed for cracked pipe.
- ***Northwest 16<sup>th</sup> to Northwest 19<sup>th</sup> Street***  
North side of O Street, 8" main in good condition, was televised in 2004.
- ***Southwest 23<sup>rd</sup> to Southwest 27<sup>th</sup> Street***  
South side of O Street, 8" main in good condition was televised in 2004.
- ***Northwest 23<sup>rd</sup> & O Street***  
8" main crossing O Street, cast iron main televised 1983, no recent history.
- ***Northwest 25<sup>th</sup> & O Street***  
8" main crossing O Street, in good condition televised in 2004.
- ***Southwest 40<sup>th</sup> & O Street***  
15" main crossing O Street, was installed in 2003.
- ***Northwest 37<sup>th</sup> to Northwest 40<sup>th</sup> Street***  
North side of O Street, 8" main installed in 2003.

### ***West O Street Storm Drain System***

The West O Street storm drain system consists of two different types of systems for conveying flow from north to south towards Middle Creek.

From NW 70 Street to approximately NW 22<sup>nd</sup> Street, the storm drain system consists almost entirely of culvert crossings, ranging in size from a 24" culvert to a 6.6 ft x 6.5 ft box culvert, draining small to relatively large drainage areas from the north to the south. The culverts drain to open drainage areas south of O Street, which typically have low gradients for eventual drainage to Middle Creek. The City Maintenance Division has reported issues with blocked outlets due to debris and vegetation in these areas. The culvert crossings are public while typically the open drainage areas are private. The area consists of some commercial uses along a relatively narrow corridor and is reflective of a rural storm drain system.

From NW 22<sup>nd</sup> Street to Salt Creek, the storm drain system consists of seven relatively small urban drainage systems with inlets and pipes that convey flow from north to south. The outlets for these systems range in size from 18" culvert to a 60" culvert. The drainage area to the north is relatively small because the drainage divide at the upper end is only a few blocks north of O Street. Similar to the drainage system to the west, the outlets usually drain to private open drainage areas which have chronic issues with blockage from debris and vegetation.

### ***Street Lighting***

The lights from NW 56<sup>th</sup> Street to NW 46<sup>th</sup> Street were installed by the State of Nebraska in 1977. Low pressure sodium vapor fixtures were installed on 40' galvanized steel mast arm poles with break away bases. Since that time, the State of Nebraska has reconfigured the intersection of NW 48<sup>th</sup> & O replacing and relocating several lights. The luminaries were converted to high pressure sodium vapor cobra-head fixtures in 1999. These poles are in fair condition.

There are no lights from NW 46<sup>th</sup> Street to NW 33<sup>rd</sup> Street.

The lights from NW 33<sup>rd</sup> Street to NW 22<sup>nd</sup> Street were installed by the State of Nebraska as part of the Salt Valley Roadway project in 1991. High pressure sodium vapor cobra-head luminaries were installed on 45' galvanized steel mast arm poles with break away bases. These poles are in good condition.

The lights from NW 22<sup>nd</sup> Street to NW 6<sup>th</sup> Street and from Salt Creek to 1<sup>st</sup> Street were installed by the City in 1994. High pressure sodium vapor cobra-head luminaries were installed on 40' galvanized steel mast arm poles. These poles are in good condition.

The lights from NW 6<sup>th</sup> Street to Salt Creek were installed by the City in 1974.



Mercury vapor cobra-head luminaries were installed on 50' painted steel mast arm poles. The luminaries were converted to high pressure sodium vapor in 1979. These poles are in very poor condition.

The lights from 1st Street to 9th Street were installed by the State of Nebraska in 1980. High pressure sodium vapor shoe box fixtures were installed on 30' galvanized steel spoke arm poles. These poles are in good condition. In this same area, the City is working on a project to replace the Harris Overpass which will effect the lights on the overpass and possibly some of the lights to the west of the overpass.

## **Historic Significance**

Early uses that reflect the importance of this early transportation corridor are linked to much of the West O corridor, formerly known as the Detroit-Lincoln-Denver Highway. A milepost marking this historic highway can still be found at 2<sup>nd</sup> & West P Streets. The Lincoln Steel building, which is now vacant, has an historic older facade and the railroad water tower located just south of the redevelopment area has historic significance. The Lone Oak building, located just outside the western boundary of the redevelopment area, has landmark status. North of the area is Capitol Beach, a residential area that was once an amusement park. Lakeview Elementary School, built in 1923 and located at 300 Capitol Beach Boulevard, also has historic status.

Potentially eligible for National Register of Historic Places is the Watson-Brickson lumber yard, 660 N Street (extending all the way north to O Street) and the platform canopies of the Burlington Depot, especially the one along Track 3 which extends south nearly to O Street.

Watson-Brickson is the continuation of the Dierks Lumber yard, since the 1870s. The main lumber shed that is attached to the office was built in 1907. Dierks Lumber was a very large Lincoln wholesaler and had other operations, including a larger business in Kansas City. They were eventually absorbed into the Sutherlands lumber operation.

Also, the railroad canopies are part of the 1927 station construction. They are not within the legal boundaries of the Haymarket landmark District but in National Register terms they have contributing features and should be treated as National Register eligible.

## **Blight and Substandard Determination Study**

An analysis was made of each of the substandard and blighted factors listed in the Nebraska legislation to determine whether each or any were present in the Redevelopment Area and, if so, to what extent.

### ***Substandard Factors***

The Community Development Law defines a substandard area as one in which there is a predominance of buildings or improvements, nonresidential or residential, with the presence of:

1. Deterioration/dilapidation of structures.
2. Age or obsolescence.
3. Inadequate provision for ventilation, light, air, sanitation, or open spaces; or
4. a. High density of population and overcrowding; or
  - b. The existence of conditions which endanger life or property by fire and other causes; or
  - c. Any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to public health safety, morals, and welfare.

The consultant, through analysis, field survey, and a detailed exterior structural survey of 255 structures concluded that of the four factors set forth in the Nebraska Community Development Law (listed above), one factor was found to be present to a strong extent, while the remaining three factors were present to a reasonable, but less significant extent. Factors 1, 2, and 3 were determined to have a reasonable presence of substandardness. Factor 4 was determined to have a strong presence.

### ***Blight Factors***

The Community Development Law identifies 12 factors that, when the majority are present, are sufficient to determine a finding of blighted.

1. A substantial number of deteriorated or deteriorating structures;
2. Existence of defective or inadequate street layout;
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
4. Insanitary or unsafe conditions;
5. Deterioration of site or other improvements;
6. Diversity of ownership;
7. Tax or special assessment delinquency exceeding the fair value of the land;
8. Defective or unusual conditions of title;
9. Improper subdivision or obsolete platting;
10. The existence of conditions which endanger life or property by fire or other causes;
11. Any combination of such factors, substantially impairs or arrest the sound growth of the community, retards the provision of housing accommodations or constitutes and economic or social liability; and
12. Is detrimental to the public health, safety, morals or welfare in its present condition and use; and in which there is at least one or more of the following conditions exists:

- a) Unemployment in the study or designated blighted area is at least one hundred twenty percent of the state or national average;
- b) The average age of the residential or commercial units in the area is at least 40 years;
- c) More than half of the plotted and subdivided property in an area is unimproved land that has been within the city for 40 years and has remained unimproved during that time;
- d) The per capita income of the study or designated blighted area is lower than the average per capita income of the city or village in which the area is designated;  
or
- e) The area has had either stable or decreasing population based on the last two decennial censuses.

Of the twelve blight factors listed above, factors 3, 4, 5, 9, 10, and 11 are present to a strong extent and factors 1, 2, 6, and 12 are present to a reasonable, but more limited extent. It was the consultant's conclusion presented in the *Blight and Substandard Determination Study* that the number, degree and distribution of blighting factors are beyond remedy and control solely by regulatory processes in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided in the Nebraska Community Development Law.

# Redevelopment Plan

## Guiding Principles

West O Street is an entryway into Lincoln and acts as a front door, introducing visitors and residents to Lincoln. Given the existing zoning and land uses in the Redevelopment Area, primary uses are likely to continue to be commercial and industrial. However, given the entryway function of West O Street, the following guiding principles should be considered with any redevelopment projects:

1. Areas that require redevelopment, including areas with obsolete land uses or unresolvable land use conflicts, should be developed in ways that strengthen existing commercial, industrial and residential investments. Stable areas or marginal areas with viable future uses should be targets for rehabilitation reinvestment.
2. Separate, to the degree possible, local and through traffic movements.
3. Establish defensible edges between residential and non-residential uses. Use streets or green ways to provide boundaries, thus realizing the benefits of mixed use while screening the negative effects of commercial and industrial growth on residential environments.
4. Improve street landscaping, where possible, along parking lots or in conjunction with new developments.
5. Encourage redevelopment to occur as clusters or hubs with appropriate site design features that accommodate shared parking and ease of pedestrian movement within the site.
6. Redevelopment should occur in ways that strengthen and support the existing business community in the West O Street Redevelopment Area.

## Commercial and Industrial Development Guidelines

The Comprehensive Plan shows the area as predominately industrial and commercial. Guiding principles for redevelopment projects within the area, therefore, should follow the recommendations in the *Lincoln-Lancaster County Comprehensive Plan* (adopted as amended on May 28, 2002) for commercial and industrial development. The development strategy presented in the *Comprehensive Plan*,

“...seeks to fulfill two notable objectives: (1) the approach is designed to provide **flexibility** to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure that provides a level of **predictability** as to where such employment concentrations might be located” (Comprehensive Plan, pp. F 37-F 38).

The *Comprehensive Plan* identifies the following General Principles for, “All Commercial and Industrial Uses: (p. F38)

Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and flood plain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity - commercial development should be linked to the implementation of the transportation plan
- in areas compatible with existing or planned residential uses
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources of the Comprehensive Plan.

### ***Moderate to Heavy Industrial Development***

The *Comprehensive Plan* identifies the area in the vicinity of NW 56<sup>th</sup> and Interstate 80 as a Heavy Industrial center. Heavy industrial redevelopment centers should consider the following principles:

- Generally over 80 acres in size.
- Primarily used for manufacturing, processing and assembly uses.
- May also include some warehouse, storage and contractor yard uses with a minor amount of supporting commercial use - but they should be over 75% industrial use.
- Site characteristics, buffering and appropriate zoning should be considered so that they enhance entryways or public way corridors, when developing adjacent to these corridors.

### ***Light Industrial Development***

The *Comprehensive Plan* identifies the area in the vicinity of south 1<sup>st</sup> Street as a light industrial center. Light industrial centers should consider the following general principles:

- Generally a minimum of 50 acres in size.



- Primarily for lighter manufacturing uses with some additional office and retail uses located within the center.
- Due to lesser potential impacts, the centers can be located closer to residential, though residential uses should be buffered through landscaping, large setbacks, and transitional uses, such as office or open space.

The Guiding Principles of the Redevelopment Plan, along with issues identified in the Existing Conditions section of this plan, provide the basis for the redevelopment projects.

## **Redevelopment Activities: Public Improvements**

Infrastructure issues that include streets, alleys, sidewalks, and utilities impede new development throughout the Redevelopment Area and contribute to the blighting conditions. Therefore, the following public improvement activities should occur:

### **Streets and Alleys**

1. Nearly all streets south of West O are either dead end or looped streets. Streets should be constructed in conjunction with redevelopment projects to eliminate dead end streets.
2. The excessive number of driveways and access points along O Street impede traffic flow and create unsafe driving conditions. In conjunction with redevelopment projects, close/consolidate existing drives to help maintain traffic flows and increase safety while continuing to provide needed access to new and existing businesses.
3. Dedicate and build public alleys as needed and pave alleys, in conjunction with redevelopment activities.
4. Coordinate improvements in the West O Redevelopment Area with the Airport Sub-Area Study.
5. Coordinate improvements in the West O Street Redevelopment Area with future improvements including widening and realignment of Sun Valley Boulevard.

### **Sidewalks and Pedestrian Movements**

*The Blight and Substandard Determination Study* identified that nearly 69 percent of the parcels throughout the West O Street Redevelopment Area, or 220 parcels, lack sidewalks. These areas include several single family dwellings, three mobile home parks and the majority of industrial uses south of West O Street. In addition, 11 parcels, or 3.4 percent of the total received a “fair” or “poor” sidewalk condition rating.

1. Complete additional surveys and repair and replace sidewalks as necessary, particularly in conjunction with redevelopment projects.

2. Construct sidewalks where none exist, particularly between NW 22<sup>nd</sup> Street and SW 27<sup>th</sup> Street and between SW 27<sup>th</sup> Street and SW 70<sup>th</sup> Street. Sidewalks should also be constructed in conjunction with redevelopment projects.
3. Construct pedestrian walkways or facilities internally within redevelopment project areas.
4. Eliminate, to the extent possible, pedestrian vehicular movement conflicts particularly in the Capitol Beach Neighborhood, where conflicts occur when residents north of O Street attempt to access businesses located on the south side of O Street.

## **Parking**

*The Blight and Substandard Determination Study* identified inadequate parking conditions throughout the area. Mobile home parks and some commercial and industrial uses have gravel parking surfaces and large lots in vacated auto dealerships contain cracks and settlement and are in need of repair.

1. Pave gravel parking areas within redevelopment project areas.
2. Improve and repair large lots associated with vacated auto dealerships.
3. Improve parking surfaces where needed, particularly in conjunction with redevelopment projects.

## **Public Transportation**

Provide transit opportunities within the Redevelopment Area, when feasible. May include construction of bus shelters, kiosks with transit information, and bus pullouts.

## **Pedestrian/Bicycle Trails**

1. Continue to identify and construct future trails including the West Lincoln/Capitol Beach Trail, the Salt Creek Levee Trail, and the SW 40<sup>th</sup>/SW 56<sup>th</sup> Street Trail.
2. Complete public improvements along the trails when needed and feasible.

## **Parks**

Improvements to Lakeview Park should include construction of the following project elements:

- park shelter
- street trees
- benches and additional streetscape furniture
- playground
- drinking fountain
- play court
- walkway connections

## **Public Utilities**

### ***Street Lighting:***

1. Replace street light poles that are in poor condition from NW 6<sup>th</sup> Street to Salt Creek.
2. Install street lights from NW 46<sup>th</sup> Street to NW 33<sup>rd</sup> Street.

### ***Sewer and Water:***

1. East of Highway 77, sewer mains are between 50 to 80 years old. Materials used to construct the older sewer mains are prone to deterioration and breakage, as well as maintenance problems. Continue to monitor for repairs and replace as feasible.
2. Water and sewer mains along north/south streets north of West O Street and West "P" street, between 2<sup>nd</sup> Street and Capitol Beach Boulevard, range in age from 60 to 80 years of age. Continue to monitor conditions and repair and replace as feasible.

### ***Streetscape Beautification:***

Design and construct a streetscape plan for West O Street beautification. Elements should include but not be limited to lighting, thematic entrances and nodes, landscaping, removal of billboards, and general streetscape improvements.

Intermodal Surface Transportation Efficiency Act (ISTEA or "ice tea") federal funding was expended in the early 1990's when West O Street was improved and numerous street trees were planted – although only a few of these remain. At that time, the West O Business Association hadn't committed to the care of the trees. If beautification is to be done, then a Business Improvement District (BID) would need to be created to care for any plant materials included.

## **Redevelopment Activities: Commercial and Industrial**

1. Support redevelopment efforts to construct a distribution warehouse and associated commercial/industrial development at property comprised of Lot 24 Irregular Tract located in the southeast quarter of Section 24, Township 10 North, Range 5 east of the 6<sup>th</sup> P.M. , Lancaster County, Nebraska. Project elements include:
  - Acquisition of property described above from willing seller to complete public improvements.
  - Construction of public utilities on-site including sanitary sewer extension, water main extension and storm sewer extension.
  - Construction of internal public roads, alleyways and parking.
  - Construction of temporary turn lanes.
  - Construction of a traffic signal.
  - Sidewalk construction in the public ROW.
  - Construction of landscaping, ornamental lighting and streetscape in the public ROW.
  - Re-plat and re-zone as required.

2. Support commercial/industrial redevelopment efforts at property located at Irregular Tract Lot 23 SE 24-10-5.
  - Acquisition of property described above from willing seller to complete public improvements.
  - Construction of public utilities on-site including sanitary and storm sewer and water.
  - Construction of public roads, alleyways and parking.
  - Sidewalk construction in the public ROW.
  - construction of landscaping, ornamental lighting and streetscape in the public ROW.
3. Support commercial/industrial redevelopment efforts at property located at EDM Industrial Center Add, Block 3, Lots 8, 9 and Irregular Tract Lots 18, 62, 79, & 80 NE 29-10-6, generally known as 3001 and 3201 West O Street.
  - Acquisition of property described above from willing seller to complete public improvements.
  - Construction of public utilities on-site including sanitary and storm sewer and water.
  - Construction of public roads, alleyways and parking, including O Street access as approved by Public Works and Utilities.
  - Sidewalk construction in the public ROW.
  - construction of landscaping, ornamental lighting and streetscape in the public ROW.
4. Support commercial/industrial redevelopment efforts at property located at 7.98 +/- AC in NE part Irregular Tract Lot 26 NE 25-10-5, generally known as 5905 W. O Street.
  - Acquisition of property described above from willing seller to complete public improvements.
  - Construction of public utilities on-site including sanitary and storm sewer and water.
  - Construction of public roads, alleyways and parking.
  - Sidewalk construction in the public ROW.
  - Construction of landscaping, ornamental lighting and streetscape in the public ROW.
5. Acquire substandard commercial/industrial structures. This activity is included in the following section, "Acquisition of Substandard Housing and Commercial/Industrial Structures. "

Although these projects and locations are considered key to redevelopment of the corridor, additional locations should be included as well. Additional voluntary acquisitions will be identified in Appendix E and added to this plan by Mayor's Executive Order as they occur.

Exhibit 4 on page 27 illustrates the location of commercial and industrial activities.

## **Redevelopment Activities: Residential**

Replacing and expanding affordable housing is a redevelopment principle of the City of Lincoln in all Redevelopment Areas. Project elements may include site acquisition, relocation, demolition, construction and site preparation. The City should also acquire substandard housing for redevelopment purposes, either to replace with new housing or other development. When possible, rehabilitation programs available through the City of Lincoln should be utilized to improve overall housing conditions. Additional voluntary acquisitions will be included in Appendices D and E and added to this plan by Mayor's Executive Order as they occur.

### **Residential Development and Housing Rehabilitation**

Improving the quality and viability of residential areas is a redevelopment principle of the City of Lincoln in all Redevelopment Areas. To the degree feasible, projects in residential areas should consider the following :

- Separate residential areas from incompatible uses .
- Provide public infrastructure and park facilities.
- Limit non-residential traffic in residential areas.
- Rehabilitate or remove existing deteriorating and substandard housing.
- Expand the housing supply available in the Redevelopment Area.
- Encourage housing that is affordable, particularly for low and moderate income households.
- Maximize opportunities for homeownership in the Redevelopment Area, especially for persons of low and moderate income.
- Work closely with private lenders, the Nebraska Investment Finance Authority, Lincoln Housing Authority and private developers to expand the supply of affordable housing and maximize homeowners opportunities in the Redevelopment Area.

To maximize the potential for new residential development in the Redevelopment Area, parcels may be acquired by the City and made available individually or assembled for ultimate disposition. Parcels identified for acquisition for residential redevelopment are included in Appendix D.



Exhibit 4: Location of Commercial/Industrial Redevelopment Activities

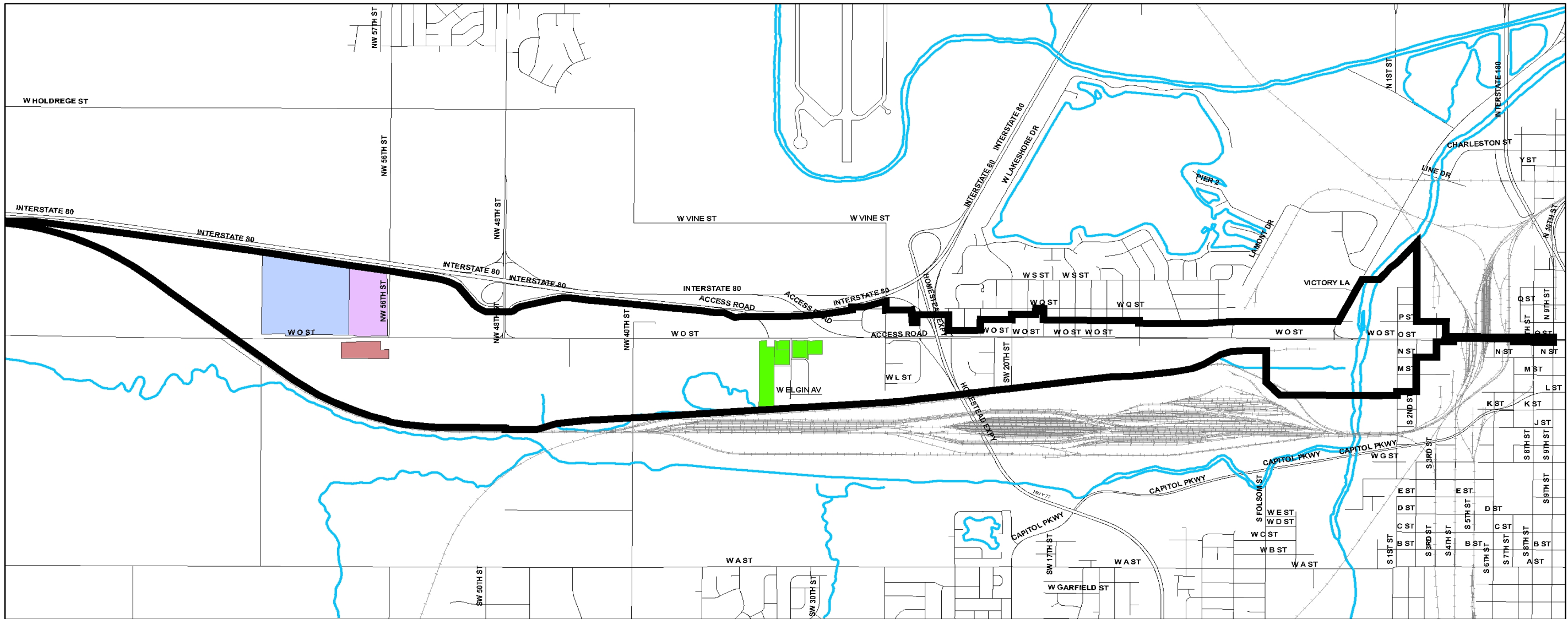


Exhibit 4 - Location of Commercial/Industrial Redevelopment Activities

Streams

Railroad

West O Redevelopment Area

Redevelopment Activities:  
Commercial and Industrial

1

2

3

4

Map prepared by City of Lincoln, Urban Development Dept 8/05

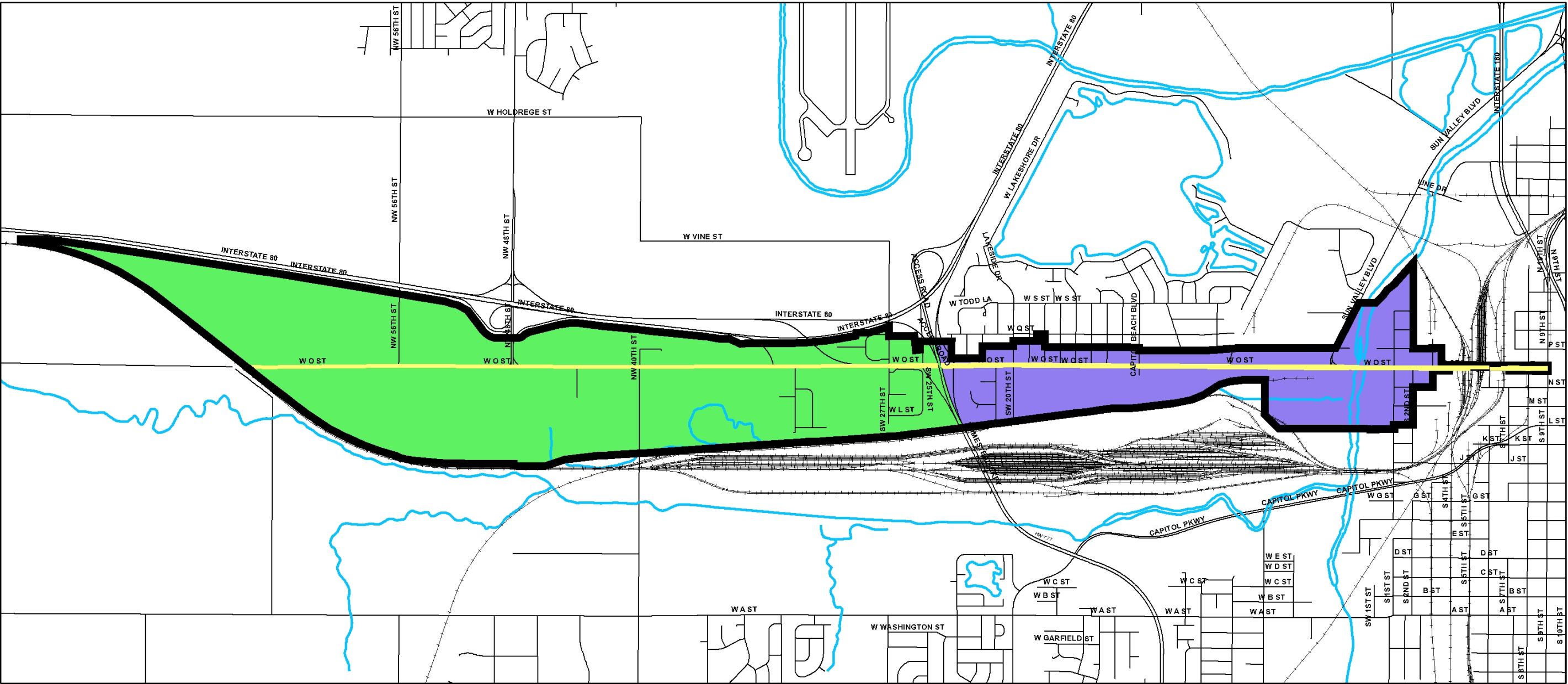
## **Acquisition of Substandard Housing and Commercial/Industrial Structures.**

The *Blight and Substandard Determination Study* identified approximately 19% of all structures as substandard and having a major deficiency. Substandard housing and commercial/industrial structures contributing to substandard and blighting influences in the Redevelopment Area, including structures that are inconsistent or incompatible with existing land uses, will be acquired and parcels made available for redevelopment. In some cases, parcels may be assembled for disposition. By acquiring and assembling parcels of land, the City can create marketable parcels which are of sufficient size to attract the interest of the private sector. Sale of these assembled parcels will assist the private sector in realizing economies of scale on a project while making it possible to improve design through planned, integrated developments. The initial impact will be to eliminate blighting influences caused by substandard housing and structures that are inconsistent and incompatible with surrounding land uses. Parcels to be acquired are included in Appendix E.

Residential and commercial parcels identified in Appendices D and E are proposed for acquisition in accordance with one or more of the reasons stated under the preceding two sections titled Residential Development and Housing Rehabilitation and Acquisition of Substandard Housing and Commercial/Industrial Structures. During project implementation, these two sections will provide the basis for determining the need to acquire miscellaneous parcels not previously identified to further accomplish the purposes of this Redevelopment Plan.

## **Sub-Project Areas**

The Redevelopment Area is comprised of 3 sub-project areas with specific redevelopment activities identified within each sub-project. Activities will be undertaken as funding and private redevelopment proceed. Sub-project areas are illustrated in Exhibit 5 on page 28. Table 1 on page 29 identifies the redevelopment activities within each sub-project area.



# West O Redevelopment Sub Project Areas

**Legend**

Streams

Railroad

**West O Redevelopment Area**

**West O Sub-Project Areas**

Project Area "A"

Project Area "B"

Project Area "C"

**Table 1: Redevelopment Activities within Sub-Project Areas**

Activity	Sub-Project Areas
Streets and Alleys	A and B
Sidewalks	A, B and C
Parking	A and B
Pedestrian/Bicycle Trails	A and B
Parks	A
Street Lighting	A and B
Streetscape Beautification	A, B and C
Commercial/Industrial	B

## **Future Land Use**

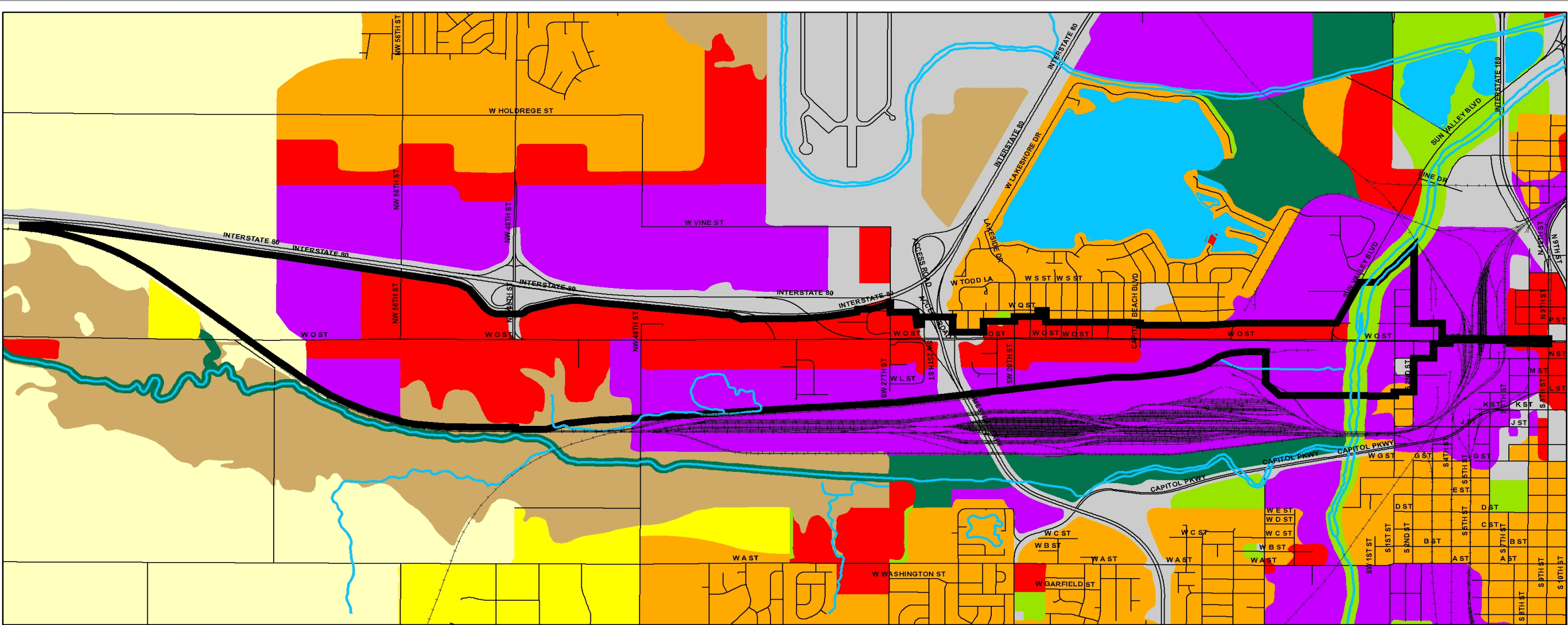
Exhibit 6, on page 30, is a Proposed Future Land Use map. Future land use was determined by beginning with the future land use map in the *Comprehensive Plan*, and the extending commercial and industrial uses to the west. The overall population density of the Redevelopment Area will generally remain stable. Land coverage and building density will increase moderately.

## **Redevelopment Processes**

Public improvements and redevelopment activities may require construction easements; vacation of street and alley right-of-way; temporary and permanent relocation of families, individuals and businesses; demolition, disposal/sale of property; and site preparation (may include driveway easements; paving driveways, approaches and sidewalks outside property line; relocation of overhead utility lines; and rerouting/upgrading of underground utilities; as needed). The processes for these activities include:









**Property Acquisition** The City may acquire the necessary fees, easements, property and covenants through voluntary negotiations (see Land Acquisition Policy Statement, Appendix A). However, if voluntary agreement is not possible, the City may institute eminent domain proceedings.

**Relocation** Relocation may involve the temporary or permanent relocation of families, individuals or businesses to complete redevelopment activities. Relocation will be completed according to local, state and federal relocation regulations (see Appendix B, Relocation Assistance).



# Future Land Use

## Legend

West O Redevelopment Area Future Landuse		Green Space	Ag Stream Corridor
	Public		Agricul
	Lakes & Streams		Low Density Res
	Environ Resources		Urban Res
			Streams
			Railroad

**Demolition** Demolition will include clearing sites on property proposed for public improvements; necessary capping, removal or replacing utilities; site preparation; securing insurance and bonds; and taking other necessary measures to protect citizens and surrounding properties. Measures to mitigate environmental findings may also be necessary, if determined by site testing.

**Disposal/Disposition** Sub-area projects will include the sale of land to private developers for redevelopment purposes. Developers will be selected in an equitable, open and competitive proposal process according to the Land Disposition Procedures outlined in Appendix C.

**Requests for Proposals** Architects and engineers will follow the City's standard selection processes to design the public facilities and improvements. Primary contractors will also be competitively selected. The selection process involves issuing a Request for Proposals (RFP). Standard City practices are used for the selection process.

## Estimated Expenditures

Preliminary estimates of project costs are included in Table 2, below. Total public and private sector project costs are estimated to total \$43,680,000 over 15 years.

**Table 2: Project Expenditure Summary**

Activity	Private Sector Expenditures	Public Sector Expenditures
Park Improvements		\$65,000
Streetscape Improvements		\$1,500,000
Total Commercial Redevelopment	\$39,000,000	\$3,115,000
<b>Subtotals:</b>	<b>\$39,000,000</b>	<b>\$4,680,000</b>

## Conformance with *Comprehensive Plan*

*The Lincoln-Lancaster County Comprehensive Plan*, adopted May 28, 2002, as amended, represents the local objectives, goals and policies of the City of Lincoln. *The West O Street Redevelopment Plan* was developed to be consistent with the Comprehensive Plan.

## Financing

The primary burden for revitalization of the Redevelopment Area must be on the private sector. The City must provide public services and public improvements and participate where necessary in the redevelopment process, but the needs of the area are beyond the City's capacity to do alone. Financing of proposed improvements will require



participation by both the private and public sectors. Where appropriate, the City may participate by providing financial assistance for the rehabilitation of structures. The development of new complexes and the reuse of existing structures will be the responsibility of the private sector.

Sources of funding may include:

1. Special Assessments - Business Improvement Districts
2. Private Contributions
3. Sale of Land Proceeds (Proceeds from the sale of land acquired for redevelopment, as identified in the Redevelopment Plan, shall be reinvested in the Redevelopment Area).
4. Municipal Infrastructure Redevelopment Fund (MIRF)
5. Community Development Block Grants
6. Home Investment Partnership Act (HOME)
7. HUD Section 108 Loan Program
8. Community Improvement (Tax Increment) Financing (Ad Valorem Tax)
9. Capital Improvements Program Budget
10. Federal and State Grants
11. Interest Income
12. Advance Acquisition Fund - property rights/easements, public facility site acquisition.

Project activities will be undertaken subject to the limit and source of funding authorized and approved by the Mayor and City Council.

According to the Community Development Law, any ad valorem tax levied upon real property in the redevelopment project for the benefit of any public body shall be divided, for a period not to exceed 15 years after the effective date of such provision, by the governing body as follows:

- That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each such public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and
- That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in

whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the authority shall so notify the county assessor and county treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

The effective date for the Community Improvement Financing provisions of *The West O Street Redevelopment Plan* for each Sub Project is declared to be the date rehabilitation, acquisition, or redevelopment of substandard and blighted property in the sub project area first commences.



# **Appendix 1**

## **Land Acquisition Policy Statement**

### **I. ADMINISTRATIVE ORGANIZATION FOR LAND ACQUISITION OPERATIONS**

- A. All land acquisition functions, including negotiations and closings, will be performed by the City of Lincoln, or its agents. The conduction of condemnations will be performed by the Legal Counsel for the City. The staff is experienced and capable in the conduct of acquisition programs.
- B. The City of Lincoln approved land acquisition policies and procedures within the limits prescribed by the statutes of the State of Nebraska. Each individual property purchase, and the disbursement of payment, therefore, is approved by the Mayor. Condemnation proceedings are instituted by the City Law Department only after all efforts to reach a negotiated settlement have failed. Legal services will be performed by the Legal Counsel for the City.

### **II. POLICIES**

- A. Real Estate appraisals are made by staff or selected fee appraisers. Second real estate appraisals, if required, may also be by fee appraisers.

The following are policies for Real Property Acquisition:

- 1. Every reasonable effort will be made to expeditiously acquire real property by negotiation.
- 2. Real property will have separate appraisals before initiation of negotiations and the owner, or his representative, will be given the opportunity to accompany the appraisers on their inspection tour of the property.
- 3. Before initiation of negotiations for real property, the City's Reviewing Appraiser will establish an amount considered to be just compensation and the City shall make prompt effort to acquire the property for that amount.
  - a. The established amount shall not be less than the approved appraisal of fair market value for the property.
  - b. Any decrease or increase in the fair market value of the property, prior to the date of valuation, caused by public improvement; by physical deterioration within reasonable control of the owner, has been disregarded by the City and by the Appraisers in making the determination of fair market value.
  - c. The City's negotiator shall provide the owner with a written statement summarizing the basis for the amount established as just compensation. Where appropriate, compensation for property acquired and for damages to any remaining real property shall be separately stated.
- 4. No owner shall be required to surrender possession until the City of Lincoln pays the agreed purchase price, or deposits with the Court the amount of award determined by the Condemnation Appraisers.

5. Improvements will be scheduled so the owner or tenant shall receive a minimum 90 days written notice before having to move. Every effort will be made by the City to provide such notice as is required without undue hardship to the owner or tenant. (This is applicable to total acquisition of property.)
  6. If Owner or Tenant is permitted to rent property, the amount of rent shall not exceed fair rental value of subject property.
  7. The City of Lincoln will not take any action coercive in nature to compel an agreement on price for property.
  8. If acquisition must be by eminent domain, the City of Lincoln shall institute formal condemnation proceedings. The City shall not intentionally make it necessary for the owner to institute legal proceedings to prove fact of taking of his real property.
  9. If the owner feels the City of Lincoln's offer does not represent the true value of his property, he may refuse to accept it. He should then provide evidence concerning value, or damage, that warrants a change in the City's determination of just compensation. Should the City determine the additional information is valid, the price will be adjusted accordingly.
  10. If as a result of the real estate acquisition there is a portion of your property which is considered by the City of Lincoln to be an uneconomic remnant, you have the right to request an offer from the City of Lincoln to acquire the remnant.
- B. Owner will be reimbursed for the following expenses incidental to conveyance of real property:
1. Recording fee, transfer taxes and similar expenses.
  2. Penalty cost for repayment of any pre-existing recorded mortgage encumbering real property, provided the mortgage was entered into in good faith.
  3. Pro-rate portion of real property taxes paid which are allocable to a period subsequent to date of vesting title, or effective date of possession, whichever is earlier.
  4. The cost of abstract continuation and/or evidence of assurance of title.
  5. Litigation expenses such as legal, appraisal, engineering fees, etc., when:
    - a. Court determines that condemnation was unauthorized.
    - b. City of Lincoln abandons a condemnation.
    - c. Property owner brings inverse condemnation action and obtains award of compensation.
- C. If a separate fixture appraisal is obtained, it shall contain the following immovable fixtures and personal property:
1. Determination of division of appraisal coverage, enumerating and classifying improvements in-place.

2. Appraisal of improvable fixtures, correlating their findings with both real estate appraisers.
- D. All appraisal contracts shall provide terms and conditions and fix the compensation for expert witnesses. These services will be utilized by the City of Lincoln to the extent necessary.
- E. Both real estate acquisition appraisals and immovable fixture appraisals will be reviewed by the City Appraisal Staff. All appraisals will be reasonable free of error and conferences with appraisers will ascertain that methods of approach and documentation are compatible, with no elements of value being omitted from consideration. City staff will conduct relocation interviews to verify ownership of certain fixtures and personal property claimed. Said claims will then be checked against existing leases and through interviews with fee owners.
- F. Preparation for acquisition includes:
  1. Preliminary title information supplied by local abstract companies; contents reviewed and entered in individual parcel folios.
  2. Individual parcel folios prepared; chronological activity indexed and all pertinent historical information entered.
  3. Basic forms of Real Estate Agreement (real estate, personal property and fixtures) reflecting policy for negotiations to acquire all classifications of property.
  4. Closing methods and policy determined.
  5. Policy for possession, property management, salvage and demolition, timetable of activities prepared.
  6. Closing statement form prepared together with such internal administration forms for notice to various units of inspection, accounting, property management, finance and legal counsel as may be required.
  7. Information letters prepared for distribution to all owners and tenants.
  8. Deed forms for conveyance of real estate, bill of sale forms for personal property, and condemnation forms for eminent domain procedure prepared.

(NOTE: Paragraphs G, H, and portions of I cover items of notice, relocation assistance, etc., relating to total property acquisitions as well as general policies.)

- G. The "single offer" system for acquisition will be utilized in all negotiations. The City will establish fair market value and be prepared to justify and substantiate the determination in the event it is challenged. Staff will present and explain forms, terms and conditions of purchase in personal interviews with each property owner and tenants. The date of this interview will establish the beginning of negotiations which regulates many relocation payments.

For the purpose of all negotiated transactions, the City will require conveyance of real estate by Warranty Deed or deed instrument sufficient to place marketable title in the City of Lincoln. Standard forms of such instruments conforming to Nebraska Law are on hand and will be used in every case. Each owner executing

a Real Estate Agreement should furnish a current abstract of title as specified in said offer. Legal Counsel for the City will render an opinion of the condition of said title, and upon determination that in his opinion said title appears merchantable, will assist with the closing process. Title to all property will be vested in the City of Lincoln on the date of closing, which will also be the date of payment of the purchase price and the date of conveyance instruments. The City of Lincoln shall have the right to possession within 90 days of closing date, (or 90 days from date of written notice if later than closing date), or as provided in the Real Estate Agreement. A statement by a responsible City Official, resulting from an inspection of the property acquired, will be contained in each acquisition folio. This statement will precede payment and closing and must determine that all property purchased is present and in place in substantially the condition as of the date appraised.

- H. Immovable items attached to the Real Property, that would incur substantial economic damage if removed, will be negotiated for and acquired at the appraised value-in-place for continued use in the present location. A "Single Offer" at the maximum price will be offered the owner of such property, but if the owner elects to move any such appraised item it will be relocated rather than acquired and the appraised amount deducted. Until the business to be displaced has definitely located a relocation site, it is almost impossible to determine whether certain process fixtures can be relocated or should be acquired by the City of Lincoln. When such fixtures have been acquired, paid for, and a bill of sale conveyed, and the seller then finds it would have been desirable to have relocated them, it shall be the City of Lincoln's policy to reconvey such items to the original owner in return for the exact amount of value-in-place price paid for them, and then pay for their relocation. Under no circumstances will fixtures sold back to the original owner by the City of Lincoln be at salvage value, or any amount less than that paid for them. Generally, the terms and conditions of existing leases and pre-acquisition conferences with owners and tenants by all appraisers and City Staff will have clarified ownership.

NOTE: Process utilities that are service entrances and concealed utilities are ineligible for compensation as relocation expenses and will be treated as immovable fixtures. The utilities listed by the fixture appraiser as "Eligible for Relocation" formerly would have been compensated in relocation for those items. Therefore, process utilities are appraised even though eligible for relocation compensation. However, the claimant may still enter a claim for payment for replacement of those eligible utilities at the new location providing the appraised value-in-place of the claimed utilities is deducted from the relocation claim.

Immovable fixtures and process utilities not appraised will be handled through the direct loss of property process. It is expected that claims for severance damages caused by partial taking will be minimal.

All fixtures and improvements appraised and acquired become the property of the City of Lincoln as clarified in the Real Estate Agreement and may not be removed by any other than authorized personnel or the demolition contractor.

- I. Upon thoroughly exhausting every avenue of negotiation available, the City of

Lincoln will direct their Legal Counsel to prepare for the appropriation of all property to be acquired through eminent domain proceedings. Such petitions will be drafted by the Legal Counsel clearly defining the property to be acquired and the ownership thereof, land, improvements, immovable and movable property (if any) located therein, with such particularity that the petitions and the resulting action of the condemnation appraisers, or district court appeals, will clearly establish such ownership and rights to compensation. Owner-Occupants of dwelling units that may be eligible for the Replacement Housing Payment will be made aware that the award received through eminent domain proceedings (excluding interest thereon, or consequential damages), determined by the condemnation appraisers, or by District Court will become the basis for any Replacement Housing Payment to be claimed. Immediately preceding preparation of petitions, preliminary title information will be updated. Fee appraisals and fixture appraisals will be reviewed.

To the extent necessary, a reinspection of each property to be condemned will be conducted by the appraisers to determine that the property, on the date of taking, is in substantially the same condition as it was on the date of their original appraisal and that their opinions of value, therefore, hold true as of the date of taking. Each appraiser's testimony may then be presented to the condemnation appraisers and, in case an appeal is filed, to the District Court.

The City of Lincoln will not require any owner to surrender the right to possession of his property until the City pays or causes to be paid, to the Lancaster County Court the amount due each interest acquired for the taking thereof as determined by the condemnation. Immediately following the determination of the amount of the condemnation award for the property, or each separate interest therein taken, the City will direct that payment to be made in an amount equal to the City's offer by the issuance of warrants drawn in favor of those entitled thereto to the County Court of Lancaster County, Nebraska, for payment of the condemnation appraiser's fees connected with the taking. Upon approval of the City's Legal Counsel, such warrants shall be deposited with the County Court and will represent full compensation for the property taken, subject to appeal to District Court. In any event, title to the property rests with the City of Lincoln as of the date of payment of the condemnation award, as does the right to possession thereof within 90 days of said date, provided compensation due has been paid as prescribed and proper notice given.

Nebraska statutes provide a 30-day period from the award of condemnation during which an appeal can be filed by either party. Acceptance of the award deposited with the County Court extinguishes the right of appeal as to that particular party. In the event an award is not claimed and no appeal is filed during the statutory period, the right to appeal is barred and the County Judge immediately causes the condemnation papers to be recorded in the records and transfer books of Lancaster County, Nebraska.

In case an appeal is filed, the County Judge forwards copies of all pertinent papers to the Clerk of District Court for subsequent trial and determination of the damages in the condemnation appealed from. At that point, the City of Lincoln,

with or without the consent of condemnee, may petition the District Court to order payment immediately of the award appealed from, thereby reducing interest costs on the award while the case is being prepared and subjected to trial.

Although title and right to possession is vested in the City of Lincoln as of the date of payment of the condemnation award, no lawful occupant of property taken will be required to surrender possession without at least 90 days written notice (a separate notice in addition to the notice of condemnation) from the City of Lincoln stating the date on which possession will be required. Terms and conditions for temporary rental of condemned property for owner-occupants and tenants are detailed in the project property management policy.

District Court trial of all condemnation awards appealed will be defended by the City of Lincoln's Legal Counsel utilizing the services of contract appraisers as expert witnesses for the City. Compensation for witness services is provided for in existing appraisal contracts. After condemnation suits, awards and appeals therefrom have been filed, agreements as to value may be entered into by stipulation. Appeal cases will be diligently prosecuted to bring the case to trial and judgment in the shortest time possible and necessary for the preparation of an adequate defense. In this manner, and with the court directed partial payments of awards outlined previously, interest and court costs will be held to a minimum level.

In most instances, the sale of privately-owned property to the City of Lincoln for public purposes is considered "involuntary conversion" by the Internal Revenue Service, and the owner may not have to pay capital gains tax on any profit from the sale of the property to the City of Lincoln, if the money is reinvested in similar property within two years. Internal Revenue Service Publication 549, entitled "Condemnations of Private Property for Public Use", is available from the IRS. It explains how the federal income tax applies to gains or losses resulting from the condemnation of property, or its sale under the threat of condemnation, for public purposes. IRS Publication 17, "Your Federal Income Tax", available from the IRS contains similar guidance. The owner is advised to discuss his particular circumstances with his personal tax advisor or local IRS office. State income tax considerations should also be discussed as appropriate.

## **Appendix 2**

### **Relocation Assistance**



#### **Introduction**

One of the unfortunate, but sometimes unavoidable, consequences of a modern, progressive nation is the necessary displacement of a comparatively small percentage of the population for the greater good of the whole.

If you are required to move as the result of a publicly-financed construction project, you may be eligible for relocation assistance, advisory services and payments provided by federal and state law.

It is the policy of federal and state government that displaced persons shall receive fair and humane treatment, and shall not suffer unnecessarily as a result of programs designed for the benefit of the public as a whole.

This brochure contains only general information designed to acquaint you with available relocation services and benefits. The relocation agent from the City of Lincoln will be happy to explain them in detail.

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*Coleen J. Seng, Mayor*



# The Basic Steps

## *If Your Property is Being Acquired and You Need to be Relocated*

### **If you are an owner...**

1. The acquiring agency will appraise your property.
2. The appraisal will be reviewed.
3. You will be interviewed by the relocation agent.
4. While contracts and deed are being prepared, a relocation study will be completed.
5. The acquisition and relocation offers will be made to you together. At this time, you will receive a 90-day vacating notice.
6. If you accept the acquisition offer, and are satisfied with the relocation offer:
  - a. then you will be offered assistance in locating a replacement property.
  - b. in the meantime, the acquisition payment will be prepared and delivered to you.
  - c. a final 30-day vacating notice will be issued, when appropriate and if necessary.
  - d. advance relocation payments will be readied, if necessary.
  - e. you will close on your replacement property, and then move.
  - f. final relocation payments will be made.
7. If you don't accept the acquisition offer, and an agreement can't be reached:
  - a. eminent domain procedures will begin.
  - b. relocation activities may be put on hold.
  - c. issuance of the 30-day notice will be delayed.
  - d. upon the award of the court; refer to Step 6 above, except b.

### **If you are a tenant...**

1. The acquiring agency will appraise the property.
2. The appraisal will be reviewed.
3. The acquisition offer will be made to the property owner.
4. A relocation agent will interview you, the tenant.
5. A relocation study will be completed.
6. A relocation offer will be made to you, along with being issued a 90-day vacating notice.
7. Finalize the location of your desired replacement property and make arrangements.

8. Ownership of the property will transfer to the acquiring agency, either through agreement or by eminent domain procedures. (If you are still in occupancy, you will now pay your rent to the agency.)
9. Advance relocation payments will be readied, if necessary.
10. Move to the replacement.
11. Final relocation payments will be made.

### ***Important Definitions***

**Acquiring Agency** *This can be the City of Lincoln, Nebraska or any other county, municipal or political subdivision of the State of Nebraska having the authority to acquire private property for public use. The relocation program for the City of Lincoln's projects is administered by the Housing Rehabilitation & Real Estate Division of the Urban Development Department. Political subdivisions may administer their own programs or may contract for that service.*

**Business** *Any lawful activity, except a farm operation, conducted primarily for: the purchase, sale, lease and rental of personal and real property; or for the manufacture, processing, or marketing of an article of commerce; or for the sale of services to the public; or for an outdoor advertising display when forced to move.*

**Displaced Person** *Any individual, family, business, farm or association that moves from real property or moves their personal property from real property as a result of actions by a governmental agency. This can be as a direct result of: a written notice of intent to acquire, the negotiations for the acquisition of, or the rehabilitation or demolition of such real property.*

**Family** *Two or more individuals living together in a single family dwelling unit, either related or by mutual consent.*

**Farm** *The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.*

**Initiation of Negotiations** *This term means the date the City of Lincoln delivers to the owner of the real property a written offer for the purchase of property, or a notice of its intent to acquire such real property.*

**Small Business** *A business having at least one, but not more than 500 employees working at the site being acquired by the City of Lincoln.*

# Relocation Assistance Advisory Services

Any person, family, business or farm displaced by a project shall be offered relocation assistance services for the purpose of locating a suitable replacement property. Relocation services are provided by qualified personnel employed by the City of Lincoln. It is their goal and desire to be of service to you, and assist in any way possible to help you successfully relocate.

Your relocation agent will provide you with assistance sufficient to meet your needs. You will be assisted in completing application and claim forms for payments and all relevant financial information concerning replacement housing will be explained. Every displaced person will be offered assistance in order to minimize hardships encountered in searching for and locating a decent, safe, and sanitary replacement property. This includes transportation to inspect housing which we have referred to you, if you need it.



If you have a special problem, your agent will make every effort to secure the services of other public and private agencies in your community which are equipped to help you. So please make your needs known to your agent. If the agent can't personally help you with a specific problem, perhaps he or she can find someone who can help.

No one will be required to move from their existing dwelling for at least 90 days after a decent, safe and sanitary replacement dwelling has been made available to them. If decent, safe and sanitary housing is not available, the City of Lincoln will take whatever steps are necessary to provide housing through their Last Resort Housing methods.

Remember - your agent is there to help and advise you; be sure to make full use of their services. Don't hesitate to ask questions, and be sure you understand fully all of your rights and relocation benefits.

***Do not move until you have contacted your relocation agent or are given an official notice to vacate the premises.***



Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to assure your eligibility and prompt payment of moving expenses, you should contact the relocation agent from the City of Lincoln before you move.

## Residential Moving Payments

Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to assure your eligibility and prompt payment of moving expenses, you should contact the relocation agent from the City of Lincoln before you move. You can choose from either:

### **Commercial Move**

1. You hire the mover.
2. You pay the bills.
3. We reimburse you.



**OR**



### **Move Yourself**

1. Amount is based on number of rooms  
(see *Moving Cost Schedule*).
2. No receipts required.

If you hire a commercial mover, **actual reasonable moving expenses** may be reimbursed. Certain other expenses are also reimbursable if the City of Lincoln determines that such costs are necessary, such as transportation costs to the new location, temporary quarters, storage of personal property, insurance costs while personal property is in storage or transit, reconnection of utilities, and other related costs. Your expenses must be reasonable and supported by receipted bills. Reimbursement is also limited to a 50-mile moving distance in most cases. Before taking this option you must submit to us at least two competitive bids from qualified commercial movers.

If you move yourself, you will be paid on the basis of the **moving cost schedule**. Moving cost schedules are prepared to provide adequate reimbursement for your moving expenses. The amount of the payment is based on the number of rooms in your dwelling. If you choose this option,

your expenses need not be supported by receipted bills. Under this option you will not be eligible for reimbursement of related expenses.

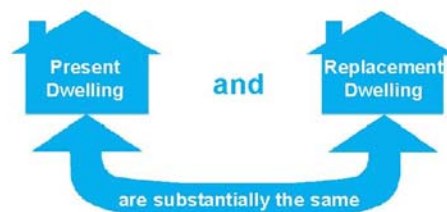
Persons moving from a rooming or dormitory type situation, and who have a minimal amount of personal possessions, will be limited to a total moving payment of \$50. This amount also applies to anyone whose move is performed by the City of Lincoln at no cost to the person.

### Moving Cost Schedule

Occupant Provides Furniture								
Number of Rooms of Furniture								Each Add'l Room
1	2	3	4	5	6	7	8	
\$345	\$485	\$620	\$760	\$865	\$965	\$1,070	\$1,175	\$105
Occupant Does Not Provide Furniture								
First Room				Each Additional Room				
\$275				\$35				

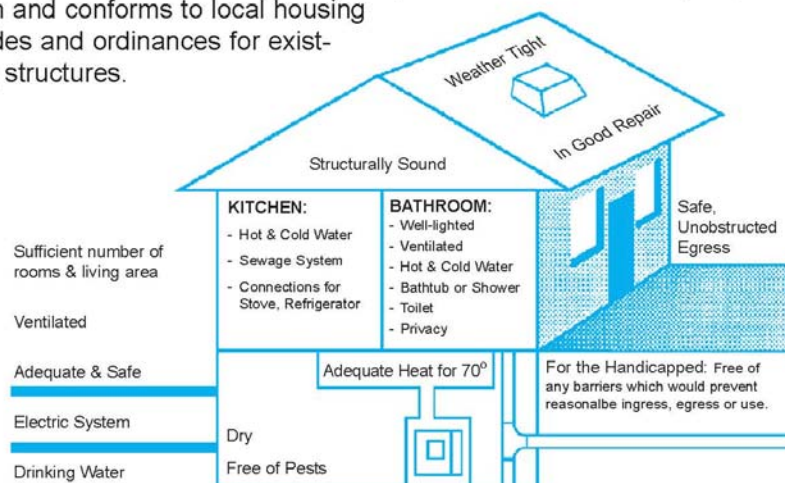
## Replacement Housing Payments

Replacement Housing Payments are to compensate the displaced person for increases in housing costs caused by acquisition of their dwelling. These payments represent the difference between the acquisition cost of your present dwelling and the purchase price of a comparable dwelling chosen by the City of Lincoln, or of the replacement dwelling you occupy, whichever is less. A **comparable replacement dwelling** means that your present dwelling and your replacement dwelling are substantially the same.



A comparable replacement dwelling is functionally equivalent and substantially the same as the original dwelling acquired, regarding the number of rooms, area of living space, construction, age and condition. It must be located in an area with comparable public utilities, public and commercial facilities. It must be reasonably accessible to your place of employment and adequate to accommodate your needs. It must be located in an equal or better neighborhood and within your financial means. A comparable replacement dwelling must also be available on the open market and be fair housing, open to all persons regardless of race, color, religion, sex or national origin.

A comparable replacement dwelling must also be **decent, safe and sanitary**. Often referred to a "DSS housing," decent, safe and sanitary housing meets all of the minimum requirements established by regulation and conforms to local housing codes and ordinances for existing structures.



The kinds of Replacement Housing Payments that you may be eligible for depends on whether you are an owner or tenant and how long you have lived in the property being acquired prior to negotiations. There are three categories of payments:

- **Owner Occupants of 180 Days or More**
- **Owner Occupants & Tenants of 90 Days or More, and**
- **Owner Occupants of 90 - 179 Days & Tenants of 90 Days or More.**

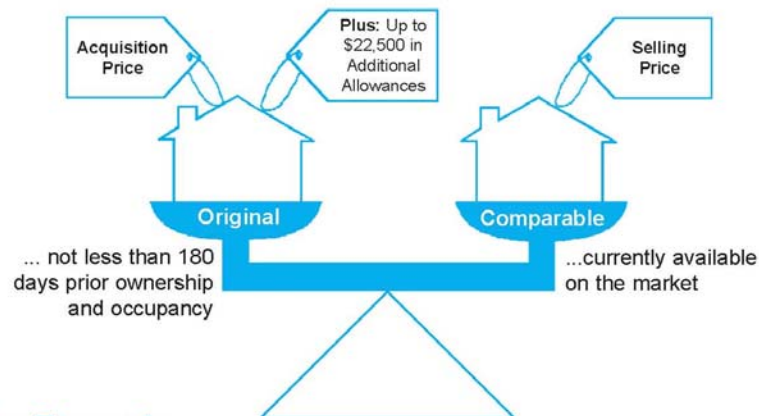
## ■ Owner Occupants of 180 Days or More

### ***Purchase Supplement***

If you are an owner and have occupied your home for 180 days or more immediately prior to the initiation of negotiations for the acquisition of your property, you may be eligible for a ***purchase supplement*** - in addition to the acquisition price of your property. This purchase supplement cannot exceed \$22,500 for all costs necessary to purchase a comparable DSS replacement dwelling. The City of Lincoln will compute the maximum payment you are eligible to receive, attempting to balance the scale illustrated below.

To qualify for this supplemental payment, you must purchase and occupy a DSS replacement dwelling within one year after the latter of:

1. the date you receive final payment for the acquired dwelling or,
2. in the case of condemnation, the date the required amount is deposited in the court.



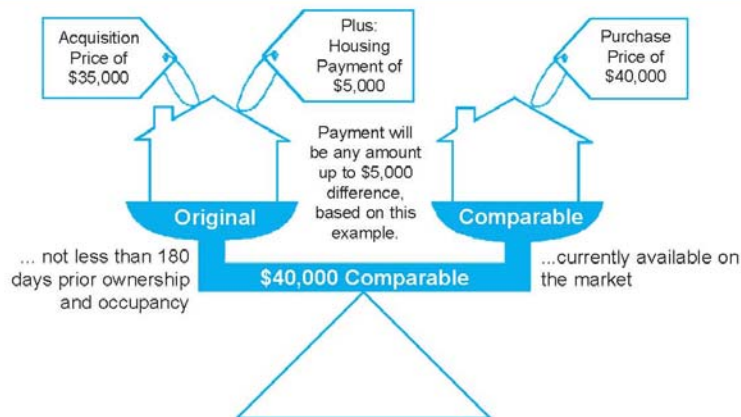
### ***For Example...***

Assume that the City of Lincoln purchased your property for \$35,000. After a thorough study of all available decent, safe and sanitary dwellings on the open market comparable to your dwelling, the City of Lincoln made the determination that a replacement property will cost you \$40,000. The City will pay you a maximum replacement housing payment of \$5,000 if you, in fact, purchase a replacement property costing \$40,000 or more. If your purchase price exceeds \$40,000, you must pay the difference in excess of \$5,000. For example, if you purchased a replacement property for \$42,000, you would receive a



purchase payment of \$5,000 and you would pay the difference of \$2,000. If you purchased a replacement property for \$38,000, you would receive a payment of only \$3,000 on the basis of actual cost. Your payment cannot exceed actual cost difference or the amount determined by the City whichever is less.

Purchase Price of Replacement	Comparable Replacement Property	Acquisition Price of Your Property	Maximum Purchase Supplement
	\$40,000	\$35,000	\$5,000
\$42,000	40,000	35,000	5,000
40,000	40,000	35,000	5,000
38,000	40,000	35,000	3,000



### **Reimbursement for Other Costs**

The City of Lincoln will also reimburse you for other costs that may be involved in the purchase of a replacement dwelling. However, your total payment, including the purchase supplement, cannot exceed \$22,500 according to the law. The purchase supplement and other incidental costs are payments in addition to the purchase price of the dwelling acquired from you.

It is the intent of the relocation program to compensate the displaced person for their actual relocation expenses. However, those reimbursements must be reasonable and should not unfairly enrich the displacee. With this in mind, here are some of the items which will be reimbursed, and the conditions which must be met for doing so.

### ■ **Increased Interest Cost**

Persons eligible for this payment must have had a mortgage on the acquired dwelling, which was a valid lien, for at least 180 days prior to the initiation of negotiations.

This payment, when added to the down payment on the replacement, is designed to reduce a person's replacement mortgage to an amount which can be amortized at the same monthly payment, for principal and interest, over the remaining term on the old mortgage, or if less, the remaining term on the new mortgage. This procedure is commonly known as a "buydown."

Your payment will be reduced if you actually borrow less than the amount we calculate as your new mortgage.

In order to compute the payment, all pertinent information must be available to the agent, such as old and new interest rates and points, the remaining term and principal balance on the old and new mortgage, and the old and new monthly p&i payment. To make this payment work, please discuss it with your agent before you secure a new mortgage.

### ■ **Incidental Expenses**

You may be reimbursed for some of your closing costs connected with the purchase of your replacement dwelling, but not for prepaid expenses such as taxes or insurance. Here is a list of some of those items and the conditions for their being eligible:

- |  |   |
|--|---|
| ▫ Notary fees  | ▫ Legal fees - for preparing contracts or for closing, when reasonable. |
| ▫ Deed recording fees  | ▫ Appraisal fee - if acquired property had a mortgage.                  |
| ▫ Termite inspection   | ▫ Application fee - if acquired property had a mortgage.                |
| ▫ Title search   | ▫ Credit report - if acquired property had a mortgage.                  |
| ▫ Survey   | ▫ Loan recording fees - if acquired property had a mortgage.            |
| ▫ Inspections when warranted or required.                                    |   |
| ▫ Title insurance - buyer's half, not to exceed the cost for the comparable. |   |
| ▫ Mobile home sales tax - not to exceed the cost for the comparable.         |   |

### ■ **Property Tax Increase**

If there is an increase in your real property taxes, you will be reimbursed over a three year period. The payment will not exceed the difference between your old taxes and the comparable's taxes.

The first computation and payment is made at the time of closing on your replacement. The second computation and payment will occur in the first months of the following year, with the third and final payment coming a year later. In some cases the displacee may take the first computed amount, times three, in a lump sum. Owner Occupants and Tenants of

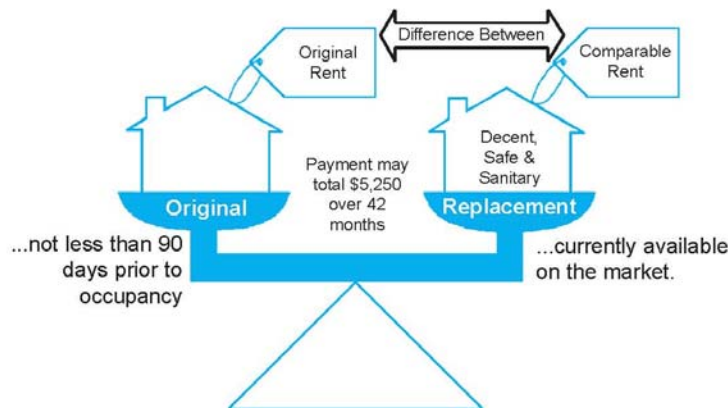
## ■ 90 Days or More

Owner occupants and tenants of 90 days or more may be eligible for a rent supplement. To be eligible for this type of payment, tenants and owners must have been in occupancy at least 90 days prior to the initiation of negotiations for the acquisition of the property. This type of payment is a supplement, enabling you to rent a DSS replacement dwelling for three and one-half years, or 42 months. If you choose to rent a replacement dwelling and the rental payments are higher than you have been paying, you may be eligible for payments not to exceed \$5,250.

The maximum payment which you qualify for, if any, will be determined by the City of Lincoln in accordance with established procedures. The rent supplement payment will be disbursed in equal installments.

In addition to the occupancy requirements, you must rent and occupy a DSS replacement dwelling within one year after:

1. for a tenant, the date you move from the acquired dwelling; or
2. for an owner occupant, the latter of:
  - a. the date you receive final payment for the acquired dwelling, or in the case of condemnation, the date the full amount of the estimate of just compensation is deposited with the court; or
  - b. The date you move from the acquired dwelling.



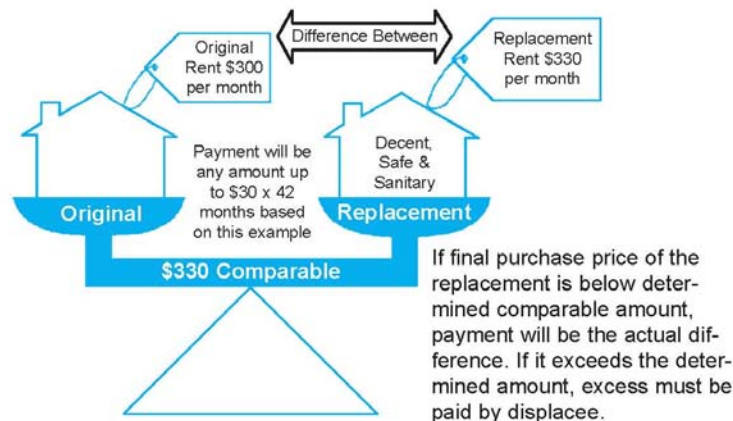
### For Example...

As an example of how a rent supplement is computed, let's assume that you have been paying \$300 per month rent for the dwelling occupied by you and purchased by the City of Lincoln. After a study of the rental market, the City makes the determination that a replacement rental unit which is DSS and comparable to your present dwelling will rent for \$330 per month. The **maximum** rent supplement you can receive in this case is \$30 per month for a 42-month period.

If you select a replacement dwelling which rents for \$350 per month, despite the availability of comparable DSS replacement rental units that rent for \$330 per month, you will still receive only the maximum payment computed by the City of Lincoln as indicated above. In other words, you must pay the additional \$20 per month out of your own pocket. And, if you select a replacement dwelling which rents for more than your present rent, but less than the amount determined by the City, you will be paid on the basis of actual cost.

For example, assume you select a replacement dwelling unit that rents for \$320 per month. On the basis of actual cost you will be eligible for a payment of \$20 per month for 42 months.

The computations above are based on all dwellings having utilities included in the rent. Computations for an owner occupant are basically the same, except that a fair market rental amount will need to be established on your dwelling, for comparison with available rental dwellings.





## ■ For Owner Occupants of 90 to 179 Days and Tenants of 90 Days or More

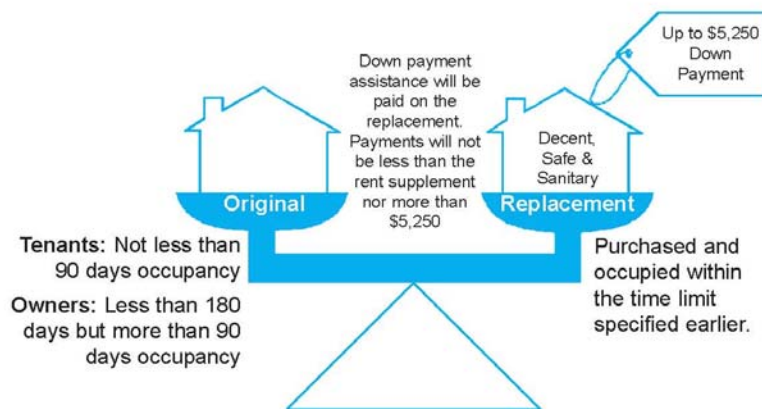
Owner occupants of 90 days to 179 days and tenants of 90 days or more who purchase a replacement dwelling are entitled to a down payment assistance payment in the amount the person would receive as a rent supplement as described previously. If the amount of the required down payment is greater than the computed rent supplement, that amount will be paid, not to exceed \$5,250.

The term "required down payment" means the down payment ordinarily required to obtain conventional loan financing for the decent, safe and sanitary dwelling actually purchased and occupied by the displaced person.

The payment to an owner occupant of 90 days to 179 days shall not exceed the amount the owner would receive as a purchase supplement if the owner met the 180 day occupancy requirement.

The full amount of the down payment assistance payment must be applied to the purchase price of the replacement dwelling and related incidental expenses.

Although this may sound complicated, the relocation agent from the City of Lincoln will explain the procedure to you personally.





## **Non-Residential Moving Cost Reimbursement**

### ***Businesses, Farms & Nonprofit Organizations***

Owners or tenants are eligible for payments designed to reimburse them for:

1. Their costs in moving personal property.
2. Their time in searching for a new location.
3. Actual loss of tangible personal property.
4. Their expenses in re-establishing at a new site.

**OR**

5. They can take a fixed payment in lieu of the other relocation benefits. This payment is between \$1,000 and \$20,000, based on the net earnings of the business or farm.

Not all businesses, farms, or nonprofit organizations qualify for all payments. A relocation study will determine the extent of your eligibility.

## Moving Expenses

When there is personal property to move, the owner of it has two methods to choose from:

- **Commercial Move.** You may be paid the actual reasonable costs of your move provided by the services of a commercial mover. All of your expenses must be supported by receipted bills in order to assure payment of your moving claim.
- **Self-Move.** If you decide to move yourself you may be paid an amount which does not exceed the lower of two firm bids by two qualified moving firms. If bids can't be obtained, your payment may be based on your actual, reasonable moving expenses supported by receipted bills or other evidence of expenses incurred.

You must first provide the City of Lincoln with an inventory of the items to be moved. The relocation agent will make a moving estimate, or will secure two bids from commercial movers. You will be offered an amount to move yourself, or you can hire a commercial mover; reimbursement not to exceed the low bid.

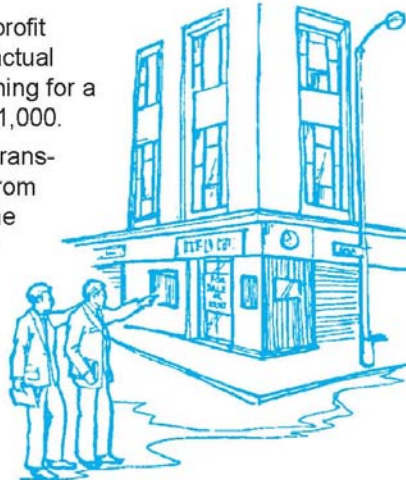
You must give your agent advance notice of the start of your move so that the move can be monitored, if needed.

Some, but not all, of the elements of the move eligible for reimbursement are: transportation costs; packing costs; disconnect and reconnection of equipment; storage costs, if necessary; insurance; unused portions of licenses or permits; costs of obsolete signs and stationery.

## Searching Expenses

Displaced businesses, farms and nonprofit organizations may be reimbursed for actual reasonable expenses related to searching for a replacement property, not to exceed \$1,000.

Expenses may include costs such as transportation, meals, lodging when away from home, and the reasonable value of time actually spent in search. All expenses must be supported by receipted bills. The value of time spent in the search must be supported by W-2 forms, pay stubs, tax returns, or other documentation. A detailed record of your searching activities must be kept and submitted before payment can be made.

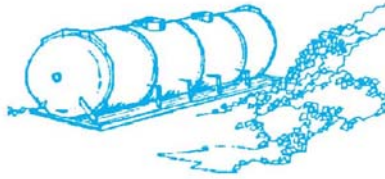




## ***Actual Direct Losses of Tangible Personal Property***

A business or farm operation may decide not to move certain items of personal property, or to discontinue the operation. If so, this payment is designed to compensate for some of that loss. There are two situations and methods of computing your payment:

1. Item is not replaced. Payment will be the lower of:
  - a. Fair market value of item (in place value); Minus the proceeds of the sale of the item (must at least attempt); Plus reimbursement of the sale expenses; or
  - b. Estimated cost of moving the item (up to 50 miles).
2. Item to be replaced with new. Payment will be the lower of:
  - a. Cost of substitute item, including installation costs; Minus proceeds from the sale or trade-in of the old item; or
  - b. Estimated cost of moving and reinstalling the old item.



## ***Re-establishment Expenses***

In addition to the previous benefits, a small business, farm or nonprofit organization may be eligible for reimbursement of expenses actually incurred in relocating and reestablishing at a replacement site. Expenses must be reasonable and necessary, as determined by the City of Lincoln, and the payment will not exceed \$10,000. Some of these expenses may include, but are not limited to:

1. Repairs to the replacement real property, as required by law or code.
2. Modifications to the property to adapt it to the business's needs.
3. Construction and installation costs, up to \$1,500, for exterior advertising signing.
4. Provision of utilities from right-of-way to improvements.
5. Necessary redecoration or replacement of worn surfaces, such as paint or carpeting.
6. Feasibility surveys, soil testing, and market studies.
7. Advertisement of new replacement location, up to \$1,500.
8. Professional fees in connection with the purchase or lease of a new site.
9. Impact fees or one-time assessments for anticipated heavy utility usage.

10. Estimated increased costs of operation during the first two years at the new site, not to exceed \$5,000, for such items as:
  - a. lease or rental charges
  - b. personal or real property taxes
  - c. insurance premiums
  - d. increased utility charges, excluding impact fees.

### ***Ineligible Expenses***

The following is a nonexclusive list of re-establishment expenses not eligible for reimbursement:

1. Purchase of capital assets, such as office furniture, machinery, or trade fixtures.
2. Purchase of materials, supplies, or other items used in the course of normal operations.
3. Interest on money borrowed to make the move or purchase the replacement site.
4. Payment to a part-time business in the home which does not contribute substantial income.

### ***Fixed Payment***

Displaced businesses, farms and nonprofit organizations may be eligible for a fixed payment *IN LIEU* of actual moving expenses, reestablishment expenses, actual direct loss of tangible personal property, and searching expenses. Such payment may not be less than \$1,000 nor more than \$20,000. For the owner of a business to be eligible for this payment, the City of Lincoln must determine that:

1. the business owns or rents personal property to be moved.
2. the business cannot be relocated without a substantial loss of its existing patronage (income).
3. the business contributes materially to the owner's income.
4. the displaced business is not part of an enterprise having at least three other similar entities not being acquired.
5. the business is not solely for the purpose of rental property.

For the owner of a farm operation to be eligible for this payment, it must be determined that:

1. The operation contributes materially to the operator's income.
2. The acquisition of part of the land causes the operator to be displaced from the remaining land.
3. The partial acquisition causes a substantial change in the nature of the farm operation.

### Computation of Your Fixed Payment...

The amount of the actual payment for businesses and farms is determined by the average of the annual net earnings for the operations in the two years preceeding the taxable year during which the enterprise is relocated.

#### For Example:

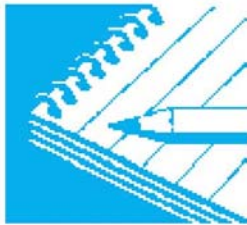
3rd Prior Year	2nd Prior Year	Year of Acquisition
Annual Net Earnings \$8,000	Annual Net Earnings \$14,000	Year of Relocation
<hr/>		
<b>Average</b>		

*\$11,000 = Fixed payment; also called IN LIEU payment*

A nonprofit organization is eligible for this payment when it cannot be relocated without a substantial loss of its membership or clientele. Any payment above \$1,000 is based on annual gross revenue minus administrative expenses.

You must provide tax information to the City of Lincoln to support your net earnings. If you've been in business less than two years, the net earnings for the actual period will be projected to an annual rate. Net earnings include compensation paid to the owner, the owner's spouse or dependents.

## Your Right of Appeal



If you have been refused a relocation payment, or if you believe that the payment offered was not adequate to relocate, you may file an appeal. To do that, request an appeal form by calling Urban Development Department at 441-7864. Fill out the appeal form and return it to: Housing Rehabilitation & Real Estate Division, 129 North 10th Street, Room 110, Lincoln, NE 68508.

Your appeal will be reviewed by the City of Lincoln's Real Estate Supervisor, who will make a decision after consulting everyone involved with the original determination. If you are unsatisfied with that decision, you may appeal it to the Director of the Urban Development Department.

If you are unsatisfied with the Director's decision, you may appeal it to the Mayor. The Mayor will appoint a Relocation Appeal Board to preside over an information hearing. After reviewing the facts as presented by the Relocation Appeal Board, the Mayor makes the City's final determination. If still dissatisfied, you may appeal that determination to the District Court of Lancaster County.

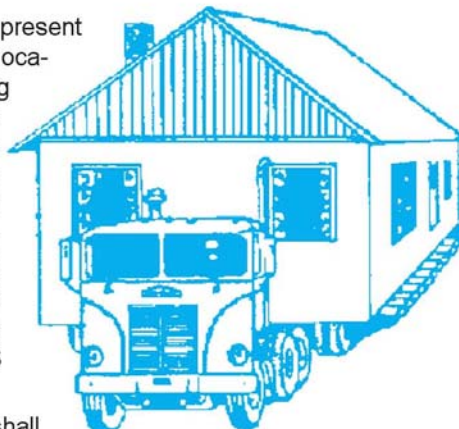




## Miscellaneous Information

In the case of mobile home owners and tenants who are displaced from non-decent, safe and sanitary mobile homes, the replacement housing payments described earlier are applicable. For those mobile homes that are decent, safe and sanitary and can be moved, the provision of rental replacement housing payments, a purchase down payment on another site, or a purchase differential are applicable. Further explanation of these payments will be provided by your relocation agent.

If you choose to retain your present dwelling and move it to a new location, the replacement housing payment if any, will be the amount by which the cost to relocate the retained dwelling exceeds the acquisition price of the dwelling. This payment may not exceed the computed replacement housing payment based on the purchase of an available, comparable DSS dwelling.



No relocation payment received shall be considered as income for the purpose of the Internal Revenue Code of 1986 or the state tax laws. These payments are not income for determining the eligibility of any person for assistance under the Social Security Act or any other federal law, except for any federal law providing low income housing assistance.

# Appendix 3


## Land Disposition Procedures

ADMINISTRATIVE REGULATION - LAND DISPOSITION		CITY OF LINCOLN
SUBJECT: Purchase, Dedication, Donation, or Sale of Real Property	EFFECTIVE DATE: August 15, 1994	A.R. NO.: 2A
APPLIES TO: All Departments	SUPERCEDES: Subsection G.2. of A.R. No. 2	PAGE <u>1</u> OF <u>2</u>

Subsection G.2. of Administrative Regulation No. 2 is hereby amended to read as follows:

2. The City of Lincoln also owns properties surplus to its need which are not public ways. Generally no action has been taken in the past as to their disposal until a request to purchase them is received. Those requests may be received by any operating department; however, it is believed most are received by the Real Estate Division. Once a request is received, verification of the City's ownership of the parcel is made. Once ownership is confirmed, contact is made to the Public Works, Planning and to the operating department utilizing the real estate to determine if it is surplus. If it is desirable to dispose of the property the reservations of easements of specified uses are sought. All reports are returned to the Real Estate Division. A presentation of the request to purchase and report is made by the operating department at Director's Meeting for a recommendation to or by the administration. In the event the administration may recommend that the property not be sold, the Real Estate Division is notified so that it can respond to the original request advising of the administration's decision. If the decision is to dispose of the real estate, the operating agency shall notify the Real Estate Division and which shall refer the request, recommendations, and all other reports to the Planning Department which will report on the conformity of the proposed action to the comprehensive plan in accordance with Article 9B Section 6 of the City Charter. The report of the Planning Department shall then be forwarded to the City Council, along with an ordinance to authorize the sale for its consideration. At that time, the Real Estate Division submits a appraisal of the property. The same process of developing an estimate of the value of the property is followed as in the case of vacated streets and alleys. The same number of copies of the appraisal report are delivered to the City Clerk for referral to the City Council and to the Mayor's Office. Once all reports have been received by the Council, the matter is placed on the agenda for consideration. If the property is to be disposed of, the Law Department is directed to prepare documents as are necessary to convey the property and upon the terms set by the City Council. Those documents are furnished to the Mayor's Office for execution. The Law Department delivers the executed deeds when the considerations as prescribed by the Council are received. Such monies are delivered to the Finance Department for deposit in the account of Advance Land Acquisition. It naturally follows that if the decision of the Council is to reject or disapprove the sale of surplus

Approved:

  
Administrative Assistant

  
Mayor

## ADMINISTRATIVE REGULATION

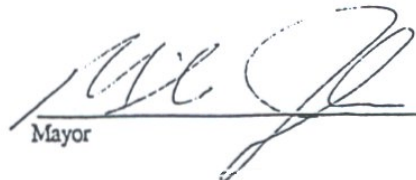
CITY OF LINCOLN

SUBJECT: Purchase, Dedication, Donation or Sale of Real Property	EFFECTIVE DATE: August 15, 1994	A.R. NO.: 2A
APPLIES TO: All Departments	SUPERCEDES: Subsection G.2. of A.R. No. 2	PAGE <u>2</u> OF <u>2</u>

property, that decision is communicated to the Real Estate Division who notifies the original person, persons or businesses requesting its purchase. All purchase requests will ultimately be referred to the City Council for its approval or denial.

Approved:

  
Raymond McMiller  
Administrative Assistant

  
Mayor

## **Appendix 4**

### **Parcels to be Acquired for Residential Development**

(None at this time.)



## **Appendix 5**

### **Parcels to be Acquired, Substandard Housing and Commercial/Industrial Structures**

(None at this time.)